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THE  
DUTY OF THE FREE STATES,

OR

REMARKS

SUGGESTED BY THE CASE OF THE CREOLE.

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BY WILLIAM E. CHANNING.

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THE Author is aware that the following argument might have been more condensed, had circumstances allowed ; but he is reconciled to publishing it in the present form by the belief that a degree of expansion and even of repetition may adapt it to its end, which is, to bring the subject within the comprehension of all who desire to know the truth. He now presents the first part of his work in the hope that the second will soon follow.

BOSTON, MARCH 26, 1842.



## REMARKS.

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I RESPECTFULLY ask your attention, fellow-citizens of the Free States, to a subject of great and pressing importance. The case of the *Creole*, taken by itself, or separated from the principles which are complicated with it, however it might engage my feelings, would not have moved me to the present address. I am not writing to plead the cause of a hundred or more men, scattered through the West Indies, and claimed as slaves. In a world abounding with so much wrong and wo, we at this distance can spend but a few thoughts on these strangers. I rejoice that they are free; I trust that they will remain so; and with these feelings, I dismiss them from my thoughts. The case of the *Creole* involves great and vital principles, and as such I now invite to it your serious consideration.

The case is thus stated in the letter of the American Secretary of State, to the American Minister in London:

“It appears that the brig *Creole*, of Richmond, Virginia, Ensor master, bound to New Orleans, sailed from Hampton roads with a cargo of merchandise, principally tobacco and slaves, about one hundred and thirty-five in number. That on the evening of the 7th of November, some of the slaves rose upon the crew of the vessel,

murdered a passenger named Hewell, who owned some of the negroes, wounded the captain dangerously, and the first mate and two of the crew severely. That the slaves soon obtained complete possession of the brig, which under their direction was taken into the port of Nassau, in the island of New Providence, where she arrived on the morning of the 9th of the same month: that at the request of the American consul in that place, the governor ordered a guard on board to prevent the escape of the mutineers, and with a view to an investigation of the circumstances of the case: that such investigation was accordingly made by two British magistrates, and that an examination also took place by the consul: that on the report of the magistrates, nineteen of the slaves were imprisoned by the local authorities, as having been concerned in the mutiny and murder; and their surrender to the consul to be sent to the United States for trial for these crimes, was refused, on the ground, that the governor wished first to communicate with the government in England on the subject; that through the interference of the colonial authorities, and even before the military guard was removed, the greater number of the slaves were liberated, and encouraged to go beyond the power of the master of the vessel, or the American consul, by proceedings which neither of them could control. This is the substance of the case, as stated in two protests, one made at Nassau, and one at New Orleans, and the consul's letters, together with sundry depositions taken by him, copies of all which are herewith transmitted."

This statement of the case of the Creole is derived chiefly from the testimony of the officers and crew of

the vessel, and very naturally falls under suspicion of being colored, in part, by prejudice and passion. We must hear the other side, and compare all the witnesses, before we can understand the whole case. The main facts, however, cannot be misunderstood. The shipping of the slaves at Norfolk, the rising of a part of their number against the officers of the vessel, the success of the insurrection, the carrying of the vessel into the port of Nassau, and the recognition and treatment of the slaves as free by the British authorities of that place ; these material points of the case cannot be questioned.

'The letter of our government, stating these facts as grounds of complaint against England, is written with much caution, and seems wanting in the tone of earnestness and confidence which naturally belongs to a good cause. It does not go to the heart of the case. It relies more on the comity of nations, than on principles of justice and natural law. Still, in one respect it is decided. It protests against, and complains of, the British authorities, and "calls loudly for redress." It maintains, that "it was the plain and obvious duty" of the authorities at Nassau to give aid and succor to the officers of the Creole in reducing the slaves to subjection, in resuming their voyage with their cargo of men as well as of tobacco, and in bringing the insurgents to trial in this country. It maintains, that the claims of the American masters to their slaves existed, and were in force in the British port, and that these claims ought to have been acknowledged and sustained by the British magistrate. The plain inference is, that the government of the United States is bound to spread a shield over American slavery abroad as well as at home. Such is the letter.

This document I propose to examine, and I shall do so chiefly for two reasons : First, because it maintains morally unsound and pernicious doctrines, and is fitted to deprave the public mind ; and secondly, because it tends to commit the free states to the defence and support of slavery. This last point is at this moment of peculiar importance. The free states are gradually and silently coming more and more into connexion with slavery ; are unconsciously learning to regard it as a national interest ; and are about to pledge their wealth and strength, their bones and muscles and lives, to its defence. Slavery is mingling more and more with the politics of the country, determining more and more the individuals who shall hold office, and the great measures on which the public weal depends. It is time for the free states to wake up to the subject ; to weigh it deliberately ; to think of it, not casually, when some startling fact forces it up into notice, but with earnest, continued, solemn attention ; to inquire into their duties in regard to it ; to lay down their principles ; to mark out their course ; and to resolve on acquitting themselves righteously towards God, towards the South, and towards themselves. The North has never come to this great matter in earnest. We have trifled with it. We have left things to take their course. We have been too much absorbed in pecuniary interests, to watch the bearing of slavery on the government. Perhaps we have wanted the spirit, the manliness, to look the subject fully in the face. Accordingly, the slave-power has been allowed to stamp itself on the national policy, and to fortify itself with the national arm. For the pecuniary injury to our prosperity which may be traced to this



source, I care little or nothing. There is a higher view of the case. There is a more vital question to be settled than that of interest, the question of duty ; and to this my remarks will be confined.

The letter which is now to be examined, may be regarded either as the work of an individual, or as the work of the government. I shall regard it in the latter light alone. Its personal bearings are of no moment. No individual will enter my thoughts in this discussion. I regard the letter as issuing from the cabinet, as an Executive document, as laying down the principles to which the public policy is in danger of being conformed, as fitted to draw the whole country into support of an institution which the free states abhor. With the opinions of an individual, I have nothing to do. Corrupt principles adopted by the government—these and these alone it will be my object to expose.

There is a difficulty lying at the threshold of such a discussion, which I should be glad to remove. A northern man writing on slavery is supposed to write as a northern man, to be swayed by state feelings and local biasses ; and the distrust thus engendered is a bar to the conviction which he might otherwise produce. But the prejudices which grow out of the spot where we live, are far from being necessary or universal. There are persons, whose peculiarity, perhaps whose infirmity it is, to be exceedingly alive to evils in their neighborhood, to defects in the state of society in which they live, whilst their imaginations are apt to cast rosy hues over distant scenes. There are persons who, by living in retirement and holding intercourse with gifted minds in other regions, are even in danger of wanting a proper local at-

tachment, and of being unjust to their own homes. There are also worthier causes, which counteract the bigotry of provincial feelings. A man, then, is not necessarily presumptuous in thinking himself free from local biasses. In truth, slavery never presents itself to me as belonging to one or another part of the country. It does not come to me in its foreign relations. I regard it simply and nakedly in itself, and on this account feel that I have a right to discuss it.

May I be allowed one more preliminary remark. The subject of slavery is separated in my mind, not only from local considerations, but from all thought of the individuals by whom it is sustained. I speak against this institution freely, earnestly, some may think, vehemently ; but I have no thought of attaching the same reproach to all who uphold it ; and this I say, not to propitiate the slave-holder, who cannot easily forgive the irreconcilable enemy of his wrong-doing, but to meet the prepossessions of not a few among ourselves, who from esteem towards the slave-holder, repel what seems to them to involve an assault on his character. I do indeed use, and cannot but use, strong language against slavery. No greater wrong, no grosser insult on humanity, can well be conceived ; nor can it be softened by the customary plea of the slave-holder's kindness. The first and most essential exercise of love towards a human being, is to respect his Rights. It is idle to talk of kindness to a human being, whose rights we habitually trample under foot. "Be just before you are generous." A human being is not to be loved as a horse or a dog, but as a being having rights ; and his first grand right is that of free action ; the right to use and expand his powers ; to improve and

obey his higher faculties ; to seek his own and others' good ; to better his lot ; to make himself a home ; to enjoy inviolate the relations of husband and parent ; to live the life of a man. An institution denying to a being this right, and virtually all rights ; which degrades him into a chattel, and puts him beneath the level of his race, is more shocking to a calm, enlightened philanthropy, than most of the atrocities which we shudder at in history ; and this for a plain reason. These atrocities, such as the burning of heretics, and the immolation of the Indian woman on the funeral pile of her husband, have generally some foundation in ideas of duty and religion. The inquisitor murders to do God service ; and the Hindoo widow is often fortified against the flames by motives of inviolable constancy and generous self-sacrifice. The Indian in our wilderness, when he tortures his captives, thinks of making an offering, of making compensation, to his own tortured friends. But in slavery, man seizes his brother, subjects him to brute force, robs him of all his rights, for purely selfish ends — as selfishly as the robber fastens on his prey. No generous affections, no ideas of religion and self-sacrifice throw a gleam of light over its horrors. As such, I must speak of slavery, when regarded in its own nature, and especially when regarded in its origin. But when I look on a community among whom this evil exists, but who did not originate it ; who grew up in the midst of it ; who connect it with parents and friends ; who see it intimately entwined with the whole system of domestic, social, industrial, and political life ; who are blinded by long habit to its evils and abuses ; and who are alarmed by the possible evils of the mighty change involved in its abolition ; I shrink from

passing on such a community the sentence which is due to the guilty institution. All history furnishes instances of vast wrongs inflicted, of cruel institutions upheld by nations or individuals, who in other relations manifest respect for duty. That slavery has a blighting moral influence where it exists, is indeed unquestionable ; but in that bad atmosphere, so much that is good and pure may and does grow up, as to forbid us to deny esteem and respect to a man, simply because he is a slave-holder. I offer these remarks because I wish that the subject may be approached without the association of it with individuals, parties, or local divisions, which blind the mind to the truth.

I now return to the executive document with which I began. I am first to consider its doctrines, to show their moral unsoundness and inhumanity ; and then I shall consider the bearing of these doctrines on the free states in general, and the interest which the free states have at this critical moment in the subject of slavery. Thus my work divides itself into two parts, the first of which is now offered to the public.

In regard to the reasonings and doctrines of the document, it is a happy circumstance, that they come within the comprehension of the mass of the people. The case of the Creole is a simple one, which requires no extensive legal study to be understood. A man who has had little connexion with public affairs, is as able to decide on it as the bulk of politicians. The elements of the case are so few, and the principles on which its determination rests, are so obvious, that nothing but a sound moral judgment is necessary to the discussion. Nothing can darken it but legal subtlety. None can easily doubt

it, but those who surrender conscience and reason to arbitrary rules.

The question between the American and English governments turns mainly on one point. The English government does not recognize within its bounds any property in man. It maintains, that slavery rests wholly on local municipal legislation ; that it is an institution not sustained and enforced by the law of nature, and still more, that it is repugnant to this law ; and that of course no man, who enters the territory or is placed under the jurisdiction of England, can be regarded as a slave, but must be treated as free. The law creating slavery, it is maintained, has and can have no force beyond the state which creates it. No other nation can be bound by it. Whatever validity this ordinance, which deprives a man of all his rights, may have within the jurisdiction of the community in which it had its birth, it can have no validity any where else. This is the principle on which the English government founds itself.

This principle is so plain, that it has been established and is acted upon among ourselves, and in the neighboring British provinces. When a slave is brought by his master into Massachusetts, he is pronounced free, on the ground that the law of slavery has no force beyond the state which ordains it, and that the right of every man to liberty is recognized as one of the fundamental laws of the commonwealth. A slave flying from his master to this commonwealth is indeed restored, but not on account of the validity of the legislation of the South on this point, but solely on the ground of a positive provision of the constitution of the United States ; and he is delivered, not as a slave but as a " person held to

service by law in another state." We should not think for a moment of restoring a slave flying to us from Cuba or Turkey. We recognize no right of a foreign master on this soil. The moment he brings his slave here, his claim vanishes into air; and this takes place because we recognize freedom as the right of every human being.

By the provision of the constitution, as we have said, the fugitive slave from the South is restored by us, or at least his master's claim is not annulled. But we have proof at our door, that this exception rests on positive, not natural law. Suppose the fugitive to pass through our territory undiscovered, and to reach the soil of Canada. The moment he touches it, he is free. The master finds there an equal in his slave. The British authority extends the same protection over both. Accordingly, a colony of fugitive slaves is growing up securely, beyond our border, in the enjoyment of all the rights of British subjects. And this good work has been going on for years, without any complaint against England as violating national law, or without any claim for compensation. These are plain facts. We ourselves construe the law of nature and nations as England does.

But the question is not to be settled on the narrow ground of precedent alone. Let us view it in the light of eternal universal truth. A grand principle is involved in the case, or rather lies at its very foundation, and to this I ask particular attention. This principle is, that a man, as a man, has rights, has claims on his race, which are in no degree touched or impaired on account of the manner in which he may be regarded or treated by a particular clan, tribe, or nation of his fellow-creatures. A man, by his very nature, as an intelligent, moral creature



of God, has claims to aid and kind regard from all other men. There is a grand law of humanity, more comprehensive than all others, and under which every man should find shelter. He has not only a right, but is bound to use freely and improve the powers which God has given him; and other men, instead of obstructing, are bound to assist their developement and exertion. These claims a man does not derive from the family or tribe in which he began his being. They are not the growth of a particular soil; they are not ripened under a peculiar sky; they are not written on a particular complexion; they belong to human nature. The ground on which one man asserts them, all men stand on, nor can they be denied to one without being denied to all. We have here a common interest. We must all stand or fall together. We all have claims on our race, claims of kindness and justice, claims grounded on our relation to our common Father and on the inheritance of a common nature.

Because a number of men invade the rights of a fellow-creature, and pronounce him destitute of rights, his claims are not a whit touched by this. He is as much a man as before. Not a single gift of God, on which his rights rest, is taken away. His relations to the rest of his race are in no measure affected. He is as truly their brother as if his tribe had not pronounced him a brute. If indeed any change takes place, his claims are enhanced, on the ground that the suffering and injured are entitled to peculiar regard. If any rights should be singularly sacred in our sight, they are those which are denied and trodden in the dust.

It seems to be thought by some, that a man derives all

his rights from the nation to which he belongs. They are gifts of the state, and the state may take them away, if it will. A man, it is thought, has claims on other men not as a man, but as an Englishman, an American, or a subject of some other state. He must produce his parchment of citizenship, before he binds other men to protect him, to respect his free agency, to leave him the use of his powers according to his own will. Local, municipal law is thus made the fountain and measure of rights. The stranger must tell us where he was born, what privileges he enjoyed at home, or no tie links us to one another.

In conformity to these views, it is thought that when one community declares a man to be a slave, other communities must respect this decree ; that the duties of a foreign nation to an individual are to be determined by a brand set on him on his own shores ; that his relations to the whole race may be affected by the local act of a community, no matter how small or how unjust.

This is a terrible doctrine. It strikes a blow at all the rights of human nature. It enables the political body to which we belong, no matter how wicked or weak, to make each of us an outcast from his race. It makes a man nothing in himself. As a man, he has no significance. He is sacred only as far as some state has taken him under its care. Stripped of his nationality, he is at the mercy of all who may incline to lay hold on him. He may be seized, imprisoned, sent to work in galleys or mines, unless some foreign state spreads its shield over him as one of its citizens.

This doctrine is as false as it is terrible. Man is not the mere creature of the state. Man is older than nations,



and he is to survive nations. There is a law of humanity more primitive and divine than the law of the land. He has higher claims than those of a citizen. He has rights which date before all charters and communities ; not conventional, not repealable, but as eternal as the powers and laws of his being.

This annihilation of the individual, by merging him in the state, lies at the foundation of despotism. The nation is too often the grave of the man. This is the more monstrous, because the very end of the state, of the organization of the nation, is to secure the individual in all his rights, and especially to secure the rights of the weak. Here is the fundamental idea of political association. In an unorganized society, with no legislation, no tribunal, no umpire, rights have no security. Force predominates over right. This is the grand evil of what is called the state of nature. To repress this, to give right the ascendancy over force, this is the grand idea and end of government, of country, of political constitutions. And yet we are taught that it depends on the law of a man's country, whether he shall have rights, and whether other states shall regard him as a man. When cast on a foreign shore, his country, and not his humanity, is to be inquired into, and the treatment he receives is to be proportioned to what he meets at home.

Men worship power, worship great organizations, and overlook the individual ; and few things have depraved the moral sentiment of men more, or brought greater woes on the race. The state, or the ruler in whom the state is embodied, continues to be worshipped, notwithstanding the commission of crimes which would inspire

horror in the private man. How insignificant are the robberies, murders, piracies, which the law makes capital, in comparison with an unjust or unnecessary war, dooming thousands, perhaps millions, of the innocent to the most torturing forms of death, or with the law of an autocrat or of a public body, depriving millions of all the rights of men ! But these, because the acts of the state, escape the execrations of the world.

In consequence of this worship of governments, it is thought that their relations to one another are alone important. A government is too great to look at a stranger, except as he is incorporated with some state. It can have nothing to do but with political organizations like itself. But the humble stranger has a claim on it as sacred as another state. Standing alone, he yet has rights, and to violate them is as criminal as to violate stipulations with a foreign power. In one view it is baser. It is as true of governments as of individuals, that it is base and unmanly to trample on the weak. He who invades the strong shows a courage which does something to redeem his violence ; but to tread on the neck of a helpless, friendless fellow-creature, is to add meanness to wrong.

If the doctrine be true, that the character impressed on a man at home follows him abroad, and that he is to be regarded not as a man, but as the local laws which he has left regard him, why shall not this apply to the peculiar advantages as well as disadvantages which a man enjoys in his own land ? Why shall not he, whom the laws invest with a right to universal homage at home, receive the same tribute abroad ? Why shall not he, whose rank exempts him from the ordinary restraints

of law on his own shores, claim the same lawlessness elsewhere? Abroad these distinctions avail him nothing. The local law which makes him a kind of deity deserts him, the moment he takes a step beyond his country's borders; and why shall the disadvantages, the terrible wrongs, which that law inflicts, follow the poor sufferer to the end of the earth?

I repeat it, for the truth deserves reiteration, that all nations are bound to respect the rights of every human being. This is God's law, as old as the world. No local law can touch it. No ordinance of a particular state, degrading a set of men to chattels, can absolve all nations from the obligation of regarding the injured beings as men, or bind them to send back the injured to their chains. The character of a slave, attached to a man by a local government, is not and cannot be incorporated into his nature. It does not cling to him, go where he will. The scar of slavery on his back does not reach his soul. The arbitrary relation between him and his master cannot suspend the primitive indestructible relation by which God binds him to his kind.

The idea that a particular state may fix, enduringly, this stigma on a human being, and can bind the most just and generous men to respect it, should be rejected with scorn and indignation. It reminds us of those horrible fictions, in which some demon is described as stamping an indelible mark of hell on his helpless victims. It was the horrible peculiarity of the world in the reign of Tiberius, that it had become one vast prison. The unhappy man, on whom the blighting suspicion of the tyrant had fallen, could find no shelter or escape through the whole civilized regions of the globe. Ev-

ery where his sentence followed him like fate. And can the law of a despot, or of a chamber of despots, extend now the same fearful doom to the ends of the earth? Can a little state at the South spread its web of cruel, wrongful legislation over both continents? Do all communities become spell-bound by a law in a single country creating slavery? Must they become the slave's jailers? Must they be less merciful than the storm which drives off the bondman from the detested shore of servitude and casts him on the soil of freedom? Must even that soil become tainted by an ordinance passed perhaps in another hemisphere? Has oppression this terrible omnipresence? Must the whole earth register the slave-holders' decree? Then the earth is blighted indeed. Then, as some ancient sects taught, it is truly the empire of the Principle of Evil, of the power of Darkness. Then God is dethroned here; for where injustice and oppression are omnipotent, God has no empire.

I have thus stated the great principle on which the English authorities acted in the case of the Creole, and on which all nations are bound to act. Slavery is the creature of a local law, having power not a hand-breadth beyond the jurisdiction of the country which ordains it. Other nations know nothing of it, are bound to pay it no heed. I might add that other nations are bound to tolerate it within the bounds of a particular state, only on the grounds on which they suffer a particular state to establish bloody superstitions, to use the rack in jurisprudence, or to practice other enormities. They might much more justifiably put down slavery where it exists, than enforce a foreign slave code within their own

bounds. Such is the impregnable principle which we of the free states should recognize and earnestly sustain.\*

This principle our government has not explicitly denied in its letter to our minister in London. The letter is chiefly employed in dilating on various particular circumstances, which it is said entitled the Creole to assistance from the British authorities, in the prosecution of the voyage with her original freight and passengers. The strength of the document lies altogether in the skilful manner in which these circumstances are put together. I shall therefore proceed to consider them with some minuteness. They are briefly these. The vessel was engaged in a voyage "perfectly lawful." She was taken to a British port, "not voluntarily by those who had the lawful authority over her," but forcibly and violently "against the master's will," without any agency or solicitation on the part of the great majority of the slaves, and indeed solely by the few "mutineers" who had gained possession of her by violence and bloodshed. The slaves were "still on board" the American vessel. They had not become "incorporated with the English population;" and from these facts it is argued, that they had not changed their original character, that the vessel containing them ought to have been regarded as "still on her voyage," and should have been aided to resume it according to that law of comity and hospitality by which nations are bound to aid one another's vessels in distress.

It is encouraging to see in this reasoning of the letter a latent acknowledgment, that, had the vessel been car-

\* See NOTE A.

ried with the slaves into the British port by the free will of the captain, the slaves would have been entitled to liberty. The force and crime involved in the transaction, form the strength of the case as stated by ourselves. The whole tone of the communication undesignedly recognizes important rights in a foreign state in regard to slaves carried voluntarily to their shores ; and by this concession it virtually abandons the whole ground.

But let us look at the circumstances, which it is said bound the British authorities to assist the captain in sending back the slaves to their chains ; and one general remark immediately occurs. These circumstances do not touch, in the slightest degree, the great principle on which the authorities were bound by British and natural law to act. This principle, as we have stated, is, that a nation is bound by the law of nature to respect the rights of every human being, that every man within its jurisdiction is entitled to its protection as long as he obeys its laws, that the private individual may appeal to the broad law of humanity and claim hospitality, as truly as a state.

Now how did the peculiar circumstances of the Creole bear on this fundamental view of the case? Did the manner in which the slaves of the Creole were carried to Nassau in any measure affect their character as men? Did they cease to be men, because the ship was seized by violence, the captain imprisoned, and the vessel turned from its original destination? Did the shifting of the vessel's course by a few points of the compass, or did the government of the helm by a "mutineer," transmute a hundred or more men into chattels? To the eye of the British officer, the slaves looked precisely as they would have done had they been brought to the island by



any other means. He could see nothing but human beings, and no circumstances leaving this character on them could have authorized him to deny them human rights. It mattered nothing to him how they came to the island ; for this did not touch at all the ground of their claim to protection.

A case indeed is imagined in the document, in which it is said that the manner of transportation of slaves to a foreign port must determine the character in which they shall be viewed. " Suppose an American vessel with slaves lawfully on board were to be captured by a British cruiser, as belonging to some belligerent, while the United States were at peace ; suppose such prize carried into England, and the neutrality of the vessel fully made out in the proceedings in Admiralty, and a restoration consequently decreed ; in such case, must not the slaves be restored exactly in the condition in which they were when the capture was made ? Would any one contend that the fact of their having been carried into England by force set them free ? " I reply, undoubtedly they would be free the moment they should enter English jurisdiction. A writ of habeas corpus could and would and must be granted them, if demanded by themselves or their friends, and no court would dare to remit them to their chains ; and this is not only English law, but in the spirit of universal law. In this case, however, compensation would undoubtedly be made by the captors for the slaves, not on the ground of any claim in the slaveholder, but because of the original wrong by the captors and of their consequent obligation to replace the vessel as much as possible in the condition in which she was

found, at the moment of being seized on the open ocean, where she was captured on groundless suspicion, where she had a right to prosecute her voyage without obstruction, and whence she ought not to have been brought by the capturing state within its jurisdiction and made subject to its laws.

Let us now consider particularly the circumstances on which the United States maintain that the British authorities were bound to replace the slaves under the master of the Creole, and violated their duty in setting them free.

It is insisted, first, that "the Creole was passing from one port to another in a voyage *perfectly lawful*." We cannot but lament that to sustain this point of the *lawfulness* of the voyage, it is affirmed that "slaves are recognized as property by the constitution of the United States in those states in which slavery exists." Were this true, it is one of those truths which respect for our country should prevent our intruding on the notice of strangers. A child should throw a mantle over the nakedness of his parent. But the language seems to me stronger than the truth. The constitution was intended not to interfere with the laws of property in the states where slaves had been held. But the recognition of a moral right in the slave-holder is most carefully avoided in that instrument. Slaves are three times referred to, but always as *persons*, not as *property*. The free states are indeed bound to deliver up fugitive slaves; but these are to be surrendered not as slaves, but as "persons held to service." The clause applies as much to fugitive apprentices from the North, as to fugitive slaves from the South. The history of this clause is singular. In the



first draught of the constitution it stood thus. "No person legally held to service or labor in one State, escaping into another, shall in consequence of any law or regulation thereof, be discharged from such service or labor, but shall be delivered up," &c. Mr. Madison tells us that the term "legally" was struck out, and the words "under the laws thereof," were inserted after the word "state," in compliance with the wish of some, "who thought the term *legal* equivocal and favoring the idea that slavery was *legal in a moral point of view.*"\* It ought also to be added, that in the debate in the convention on that clause of the constitution which conferred power on Congress to abolish the importation of slaves in 1808, "Mr. Madison thought it wrong to admit in the constitution the idea that there could be property in men." Most memorable testimony to the truth from this greatest constitutional authority! With the knowledge of these facts, our government had no apology for holding up the great national charter as recognizing property in man. The phraseology and history of the constitution afford us some shelter, however insufficient, from the moral condemnation of the world; and we should not gratuitously cast it away.

Whilst, however, we censure this clause in the Executive Document, we rejoice that on one point it is explicit. It affirms that "slaves are recognized as property by the constitution of the United States, *in those states in which slavery exists.*" Here we have the limit precisely defined, within which the constitution spreads its shield over slavery. These limits are "the states in which

\* Madison papers, p. 1589.      † Do. p. 1429

slavery exists.” Beyond these it recognizes no property in man, and of course beyond these it cannot take this property under its protection. The moment the slave leaves the states within which slavery exists, the constitution knows nothing of him as property. Of consequence, the national government has no right to touch the case of the Creole. As soon as that vessel passed beyond the jurisdiction of the state where she received her passengers, the slaves ceased to be property in the eye of the constitution. The national authorities were no longer bound to interfere with and to claim them as such. The nation’s force was no longer pledged to subject them to their masters. Its relation to them had wholly ceased. On this point we are bound to adopt the strictest construction of the instrument. The free states should not suffer themselves to be carried a hair’s breadth beyond the line, within which they are pledged to the dishonorable office of protecting slavery.

But, leaving this clause, I return to the first consideration adduced to substantiate the claim of the Creole to the assistance of the British authorities. The voyage, we are told, was “perfectly lawful.” Be it so. But this circumstance, according to the principles of the free states, involves no obligation of another community to enforce slavery or to withhold from the slave the rights of a man. Suppose that the Creole had sailed to Massachusetts with her slaves. The voyage would have been “lawful ;” but on entering the port of Boston her slaves would have been pronounced free. The “right of property” in them conferred by a slave state, would have ceased. The lawfulness of the voyage, then, gives the slave-holder no claim on another government, into the ports of which his slave may be carried.

Again, what is meant by the "perfect lawfulness" of the voyage? Does it mean that the Creole shipped the slaves under the law of nature or the law of Great Britain? Certainly not; but solely under the law of America; so that the old question recurs, whether a local municipal law, authorizing an American vessel to convey slaves, binds all nations, to whose territory these unhappy persons may be carried, to regard them as property, to treat them as the Pariahs of the human race? This is the simple question, and one not hard of solution.

"The voyage was perfectly lawful," we are told. So would be the voyage of a Turkish ship freighted with Christian slaves from Constantinople. Suppose such a vessel driven by storms or carried by force into a Christian port. Would any nation in Europe or would America feel itself bound to assist the Turkish slaver, to replace the chains on Christian captives whom the elements or their own courage had set free, to sacrifice to the comity and hospitality and usages of nations, the law of humanity and Christian brotherhood?

"The voyage," we are told, "was perfectly lawful." Suppose now that a slave-holding country should pass a law ordaining and describing a chain as a badge of bondage, and authorizing the owner to carry about his slave fastened to himself by this sign of property. Suppose the master to go with slave and chain to a foreign country. His journey would be "lawful;" but would the foreign government be bound to respect this ordinance of the distant state? Would the authorized chain establish property in the slave over the whole earth? We know it would not; and why should the authorized vessel impose a more real obligation?

It seems to be supposed by some that there is a peculiar sacredness in a vessel, which exempts it from all control in the ports of other nations. A vessel is sometimes said to be "an extension of the territory" to which it belongs. The nation, we are told, is present in the vessel; and its honor and rights are involved in the treatment which its flag receives abroad. These ideas are in the main true in regard to ships on the high seas. The sea is the exclusive property of no nation. It is subject to none. It is the common and equal property of all. No state has jurisdiction over it. No state can write its laws on that restless surface. A ship at sea carries with her, and represents the rights of her country, rights equal to those which any other enjoys. The slightest application of the laws of another nation to her is to be resisted. She is subjected to no law but that of her own country, and to the law of nations, which presses equally on all states. She may thus be called, with no violence to language, an extension of the territory to which she belongs. But suppose her to quit the open sea and enter a port. What a change is produced in her condition! At sea she sustained the same relations to all nations, those of an equal. Now she sustains a new and peculiar relation to the nation which she has entered. She passes at once under its jurisdiction. She is subject to its laws. She is entered by its officers. If a criminal flies to her for shelter, he may be pursued and apprehended. If her own men violate the laws of the land, they may be seized and punished. The nation is not present in her. She has left the open highway of the ocean, where all nations are equals, and entered a port where one nation alone is

clothed with authority. What matters it that a vessel in the harbor of Nassau is owned in America? This does not change her locality. She has contracted new duties and obligations by being placed under a new jurisdiction. Her relations differ essentially from those which she sustained at home or on the open sea. These remarks apply of course to merchant vessels alone. A ship of war is "an extension of the territory" to which she belongs, not only when she is on the ocean, but in a foreign port. In this respect she resembles an army marching by consent through a neutral country. Neither ship of war nor army falls under the jurisdiction of foreign states. Merchant vessels resemble individuals. Both become subject to the laws of the land which they enter.

We are now prepared to consider the next circumstance on which much stress is laid, to substantiate the claim of our government. "The vessel was taken to a British port, not voluntarily by those who had the lawful authority over her, but forcibly and violently, against the master's will, by mutineers and murderers," &c.

To this, various replies are contained in the preceding remarks. The first is, that the local laws of one country are not transported to another, and do not become of force there, because a vessel of the former is carried by violence into the ports of the latter. Another is, that a vessel entering the harbor of a foreign state, through mutiny or violence, is not on this account exempted from its jurisdiction or laws. She may not set its authorities at defiance, because brought within its waters against her own will. There may indeed be local laws intended to exclude foreigners, which it would

be manifestly unjust and inhuman to enforce on such as may be driven to the excluding state against their own consent. But as to the laws of a country founded on the universal principles of justice and humanity, these are binding on foreign vessels, under whatever circumstances they may be brought within its jurisdiction. There is still another view of this subject, which I have already urged, but which is so important as to deserve repetition. The right of the slaves of the Creole to liberation was not at all touched by the mode in which they were brought to Nassau. No matter how they got there, whether by sea, land, or air, whether by help of saint or sinner. A man's right to freedom is derived from none of these accidents, but inheres in him as a man, and nothing which does not touch his humanity can impair it. The slaves of the Creole were not a whit the less men, because "mutiny" had changed their course on the ocean. They stood up in the port of Nassau with all the attributes of men, and the government could not without wrong have denied their character and corresponding claims.

We are now prepared for the consideration of another circumstance in the case of the Creole on which stress is laid. We are told by our government that they were "still in the ship," when they were declared free, and on this account their American character, that is, the character of slavery, adhered to them. This is a view of the case more fitted perhaps than any other, to impress the inconsiderate. The slaves had not changed their position, had not touched the shore. The vessel was American. They trod on American planks; they slept within American walls. They of course belonged

to America, and were to be viewed only in their American character. To this reasoning the principles already laid down, furnish an easy answer. It is true that the slaves were in an American ship ; but there is another truth still more pregnant ; they were also in another country, where American law has no power. The vessel had not carried America to the port of Nassau. The slaves had changed countries. What though they were there in an American ship ? They were therefore not the less within English territory and English jurisdiction. The two or three inches of plank, which separated them from the waves, had no miraculous power to prevent them from being where they were. The water which embosomed the vessel was English. The air they breathed was English. The laws under which they had passed were English. One would think from the reasoning to which I am replying, that the space occupied by a vessel in a foreign port is separated for a time from the country to which it formerly belonged ; that it takes the character of the vessel, and falls under the laws of the land to which she appertains ; that the authorities which have controlled it for ages must not enter it, whilst the foreign planks are floating in it, to repress crime or enforce justice. But this is all a fiction. The slaves, whilst in the ship, were in a foreign country, as truly as if they had plunged into the waves or set foot on shore.

We will now consider another circumstance to which importance is attached in the Document of our Executive. We are told that “ the slaves could not be regarded as having become mixed up or incorporated with the British population, or as having changed character



at all, either in regard to country or personal condition." To this it is replied, that no one pretends that the slaves had become Englishmen, or had formed a special relation to Great Britain, on account of which she was compelled to liberate them. It was not as a part of the British population that they were declared free. Had the authorities at Nassau taken this ground, they might have been open to the complaints of our government. The slaves were pronounced free, not because of any national character which they sustained, but because they were men, and because Great Britain held itself bound to respect the law of nature with regard to men. It was not necessary for them to be incorporated with the British population in order to acquire the common rights of human beings. One great error in the Document is, that a government is supposed to owe nothing to a human being who lands on its shores, any farther than his nation may require. It is thought to have nothing to do, but to inquire into his nationality and to fulfil the obligations which this imposes. He has no rights to set up, unless his own government stand by him. Thus the fundamental principles of the law of nature are set at naught. Thus all rights are resolved into benefactions of the state, and man is nothing unless incorporated, mixed up with the population of a particular country. This doctrine is too monstrous to be openly avowed, but it lies at the foundation of most of the reasonings of the Document. The man, I repeat it, is older and more sacred than the citizen. The slave of the Creole had no other name to take. His own country had declared him not to be a citizen. He had been scornfully refused a place among the American



people. He was only a Man; and was that a low title on which to stand up among men? Nature knows no higher on earth. English law knows no higher. Shall we find fault with a country, because an outcast man landing on its shore is declared free without the formality of becoming incorporated with its population?

The slaves, we are told in the argument which we are considering, as they had no claim to be considered as mixed up with the British population, had not therefore changed their character either in regard to "country or condition." The old sophistry reigns here. It is taken for granted that a man has no character but that of country and condition. In other words, he must be regarded by foreign states as belonging to a particular nation, and treated according to this view, and no other. Now the truth is, that there is a primitive, indelible "character" fastened on a man far more important than that of "country or condition;" and looking at this, I joyfully accord with our Cabinet in saying, that the slaves of the Creole did not "change their character" by touching British soil. There they stood with the character which God impressed on them, and which man can never efface. The British authorities gave them no new character, but simply recognized that which they had worn from the day of their birth, the only one which cannot pass away.

I have now considered all the circumstances stated in the Document as grounds of complaint, with one exception, and this I have deferred on account of its uncertainty, and in the hope of obtaining more satisfactory information. The circumstance is this, "that the slaves were liberated by the interference of the colonial author-

ities," that these "not only gave no aid, but did actually interfere to set free the slaves, and to enable them to disperse themselves beyond the reach of the master of the vessel or their owners." This statement is taken from the protest of the captain and crew, made at New Orleans, which indeed uses much stronger language, and which charges on the British authorities much more exceptionable interference. This, as I have said, is to be suspected of exaggeration or unjust coloring, not on the ground of any peculiar falseness in the men who signed it, but because of the tendency of passion and interest to misconstrue the offensive conduct of others. But admitting the correctness of the protest, we cannot attach importance to the complaint of the Document. This insists that the English authorities "interfered to set free the slaves." I reply that the authorities did not and could not set the colored men free, and for the plain reason, that they were in no sense slaves in the British port. The authorities found them in the first instance both legally and actually free. How then could they be liberated? They stood before the magistrates free at the first moment. They had passed beyond the legislation of the state which had imposed their chains. They had come under a jurisdiction which knew nothing of property in man, nothing of the relation of master and slave. As soon as they entered the British waters, the legal power of the captain over them, whatever it might have been, ceased. They were virtually "beyond his reach," even whilst on board. Of course no act of the authorities was needed for their liberation.

But this is not all. The colored men were not only

legally free on entering the British port ; they were so actually and as a matter of fact. The British authorities had not the merit of exerting the least physical power to secure to them their right to liberty. The slaves had liberated themselves. They had imprisoned the captain. They had taken the command of the vessel. The British authorities interfered, to liberate not the colored people but the captain ; not to uphold but arrest “the mutineers.” Their action was friendly to the officers and crew. In all this action however they did nothing of course to reduce the slaves a second time to bondage. Had they, in restoring the vessel to the captain, replaced directly or indirectly the liberated slaves under the yoke, they would have done so at their peril. How then could they free those whom they knew only as free ? They simply declared them free, declared a matter of fact which could not be gainsaid. If they persuaded them to leave the ship, they plainly acted in this as counsellors and friends, and exerted no official power.

It is said indeed, in the protest, that the magistrates “commanded” the slaves to go on shore. If this be true, and if the command were accompanied with any force, they indeed committed a wrong ; but one, I fear, for which our government will be slow to seek redress. They wronged the liberated slaves. These were free, and owed no obedience to such a command. They had a right to stay where they were, a right to return to America ; and in being compelled to go on shore, they received an injury, for which our government, if so disposed, may make complaint. But the slaves alone were the injured party. The right of the owner was

not violated, for he had no right. His claim was a nullity in the British port. He was not known there. The law on which he stood in his own country was there a dead letter. Who can found on it a complaint against the British government?

It is said that the "comity of nations" forbade this interference. But this comity is a vague unsettled law, and ought not to come into competition with the obligations of a state to injured men, thrown on its protection, and whose lives and liberties are at stake.\* We must wait however for farther light from Nassau, to comprehend the whole case. It is not impossible that the authorities at that port exerted an undue influence, and took on themselves an undue responsibility. Among the liberated slaves, there were undoubtedly not a few so ignorant and helpless, as to be poorly fitted to seek their fortune in the West Indies, among strangers little disposed to sympathize with their sufferings or aid their inexperience. These ought to have been assured of their liberty; but they should have been left to follow without any kind of resistance their shrinking from an unknown shore and their desire to return to the land of their birth, whenever these feelings were expressed.

I know not that I have overlooked any of the considerations which are urged in the Executive Document in support of our complaints against Great Britain in the case of the Creole. I have labored to understand and meet their full force. I am sorry to have been obliged to enter into these so minutely and to repeat what I deem true principles so often. But the necessity was laid on

\* See NOTE B.

me. The Document does not lay down explicitly any great principle with which our claim must stand or fall. Its strength lies in the skilful suggestion of various circumstances which strike the common reader, and which must successively be examined, to show their insufficiency to the end for which they are adduced. It is possible however to give something of a general form to the opinions expressed in it, and to detect under these a general principle. This I shall proceed to do as necessary to the full comprehension of this paper. The opinions scattered through the Document may be thus expressed. "Slaves, pronounced to be property by American law and shipped as such, ought to be so regarded by a foreign government on whose shores they may be thrown. This government is bound to regard the national stamp set on them. It has no right to inquire into the condition of these persons. It cannot give to them the character or privileges of the country to which they are carried. Suppose a government to have declared opium a thing in which no property can lawfully exist or be asserted. Would it therefore have a right to take the character of property from opium, when driven in a foreign ship into its ports, and to cast it into the sea? Certainly not. Neither, because it declares that men cannot be property, can it take this character from slaves, when they are driven into its ports from a country which makes them property by its laws. They still belong to the distant claimant; his right must not be questioned or disturbed; and he must be aided in holding them in bondage, if his power over them is endangered by distress or mutiny." Such are the opinions of the Document in a condensed form, and they involve one great principle

namely this, that property is an arbitrary thing, created by governments ; that a government may make any thing property at its will ; and that what its subjects or citizens hold as property under this sanction, must be regarded as such without inquiry by the civilized world. According to the Document, a nation may attach the character of property to whatever it pleases ; may attach it alike to men and women, beef and pork, cotton and rice ; and other nations, into whose ports its vessels may pass, are bound to respect its laws in these particulars, and in case of distress to assist in enforcing them. Let our country, through its established government, declare our fathers or mothers, sons or daughters, to be property ; and they become such, and the right of the master must not be questioned at home or abroad.

Now this doctrine, stated in plain language, needs no labored refutation ; it is disproved by the immediate testimony of conscience and common sense. Property is not an arbitrary thing, dependant wholly on man's will. It has its foundation and great laws in nature, and these cannot be violated without crime. It is plainly the intention of Providence, that certain things should be owned, should be held as property. They fulfil their end only by such appropriation. The material world was plainly made to be subjected to human labor, and its products to be moulded by skill to human use. He who wins them by honest toil has a right to them, and is wronged when others seize and consume them. The Document supposes a government to declare, that opium is an article in which property cannot exist or be asserted, and, on this ground, to wrest it from the owner and throw it into the sea ; and this it considers as a parallel case to the



declaration, that property in man cannot exist. But who does not see that the parallel is absurd? The poppy, which contains the opium, is by its nature fitted and designed to be held as property. The man who rears it by his capital, industry and skill, thus establishes a right to it, and is injured if it be torn from him, except in the special case where some higher right supersedes that of property. The poppy is not wronged by being owned and consumed. It has no intelligence, no conscience for its own direction; no destiny to fulfil by the wise use and culture of its powers. It has therefore no Rights. By being appropriated to an individual it does good, it suffers no wrong.

Here are the grounds of property. They are found in the nature of the articles so used; and where these grounds are wholly wanting, as in the case of human beings, it cannot exist or be asserted. A man was made to be an owner, not to be owned; to acquire, not to become property. He has faculties for the government of himself. He has a great destiny. He sustains tender and sacred relations, especially those of parent and husband, and with the duties and blessings of these no one must interfere. As such a being he has Rights. These belong to his very nature. They belong to every one who partakes it; all here are equal. He therefore may be wronged, and is most grievously wronged, when forcibly seized by a fellow-creature, who has no other nature and rights than his own, and seized by such an one to live for his pleasure, to be bowed to his absolute will, to be placed under his lash, to be sold, driven from home, and torn from parent, wife and child, for another's gain. Does any parallel exist between such a being and opium?

Can we help seeing a distinction between the nature of a plant and a man, which forbids their being confounded under the same character of property? Is not the distinction recognized by us in the administration of our laws? When a man from the South brings hither his watch and trunk, is his right to them deemed a whit the less sacred, because the laws of his state cease to protect them? Do we not recognize them as his, as intuitively and cheerfully as if they belonged to a citizen of our own state? Are they not his, here and everywhere? Do we not feel that he would be wronged, were they torn from him? But when he brings a slave, we do not recognize his property in our fellow-creature. We pronounce the slave free. Whose reason and conscience do not intuitively pronounce this distinction between a man and a watch to be just?

It may be urged, however, that this is a distinction for moralists, not for governments; that if a government establishes property, however unjustly, in human beings, this is its own concern, and the concern of no other; and that articles on board its vessels must be recognized by other nations as what it declares them to be, without any question as to the morality or fitness of its measures. One nation, we are told, is not to interfere with another. I need not repeat in reply, what I have so often said, that a government has solemn duties towards every human being entering its ports, duties which no local law about property in another country can in any degree impair. I would only say, that a government is not bound in all possible cases to respect the stamp put by another government on articles transported in the vessels of the latter. The comity of nations supposes, that in all such



transactions, respect is paid to common sense and common justice. Suppose a government to declare cotton to be horses, to write "horse" on all the bales within its limits, and to set these down as horses in its custom-house papers ; and suppose a cargo of these to enter a port where the importation of cotton is forbidden. Will the comity of nations forbid the foreign nation to question the character, which has been affixed by law to the bale in the country to which they belong ? Can a law change the nature of things in the intercourse of nations ? Must officers be stone-blind through "comity ?" Would it avail anything to say, that by an old domestic institution in the exporting country, cotton was pronounced horse, and that such institution must not be interfered with by foreigners ? Now in the estimation of England and of sound morality, it is as hard to turn man into property as horses into cotton, and this estimation England has embodied in its laws. Can we expect such a country to reverence the stamp of property on men, because attached to them by a foreign land ?

The Executive Document not only maintains the obligation of the English authorities to respect what the South had stamped on the slave, but maintains earnestly that "the English authorities had no right to *inquire* into the cargo of the vessel, or the condition of persons on board." Now it is unnecessary to dispute about this right ; for the British authorities did not exercise it, did not need it. The truth of the case, and the whole truth, they could not help seeing, even had they wished to remain blind. Master, crew, passengers, colored people, declared with one voice that the latter were shipped as slaves. Their character was thus forced on the gov-

ernment, which of course had no liberty of action in the case. By the laws of England, slavery could not be recognized within its jurisdiction. No human being could be recognized as property. The authorities had but one question to ask : Are these poor creatures men ? and to solve this question no right of search was needed. It solved itself. A single glance settled the point. Of course we have no ground to complain of a busy intermeddling with cargo and persons, to determine their character by British authorities.

I have thus finished my examination of the Document, and shall conclude with some general remarks. And first, I cannot but express my sorrow at the tone of Inhumanity which pervades it. I have said at the beginning that I should make no personal strictures ; and I have no thought of charging on our Cabinet any singular want of human feeling. The Document bears witness not to individual hardness of heart, but to the callousness, the cruel insensibility, which has seized the community at large. Our contact with slavery has seared in a measure almost all hearts. Were there a healthy tone of feeling among us, certain passages in this Document would call forth a burst of displeasure. For example, what an outrage is offered to humanity, in instituting a comparison between man and opium, in treating these as having equal rights and equal sanctity, in degrading an immortal child of God to the level of a drug, in placing both equally at the mercy of selfish legislators ! To an unsophisticated man there is not only inhumanity but irreligion, in thus treating a being made in the image of God and infinitely dear to the Universal Father.

In the same tone, the slaves, who regained their free-

dom by a struggle which cost the life of a white man, and by which one of their own number perished, are set down as "mutineers and murderers." Be it granted that their violence is condemned by the Christian law. Be it granted that the assertion of our rights must not be stained with cruelty; that it is better for us to die slaves, than to inflict death on our oppressor. But is there a man, having a manly spirit, who can withhold all sympathy and admiration from men, who, having grown up under the blighting influence of slavery, yet had the courage to put life to hazard for liberty? Are freemen slow to comprehend and honor the impulse, which stirs men to break an unjust and degrading chain? Would the laws of any free state pronounce the taking of life in such a case "murder?" Because a man, under coercion, whilst on his way to a new yoke, and in the act of being carried by force from wife and children and home, sheds blood to escape his oppressor, is he to be confounded with the vilest criminals? Does a republic, whose heroic age was the Revolution of 1776, and whose illustrious men earned their glory in a sanguinary conflict for rights, find no mitigation of this bloodshed, in the greater wrongs to which the slave is subjected? This letter would have lost nothing of its force, it would at least have shown better taste, had it consulted humanity enough to be silent about "opium" and "murder."

I cannot refrain from another view of the Document. This declaration of national principles cannot be too much lamented and disapproved, for the dishonor it has brought on our country. It openly arrays us as a people against the cause of human freedom. It throws us

in the way of the progress of liberal principles through the earth. The grand distinction of our revolution was, that it not only secured the independence of a single nation, but asserted the rights of mankind. It gave to the spirit of freedom an impulse, which, notwithstanding the dishonor cast on the cause by the excesses of France, is still acting deeply and broadly on the civilized world. Since that period, a new consciousness of what is due to a human being has been working its way. It has penetrated into despotic states. Even in countries, where the individual has no constitutional means of controlling government, personal liberty has a sacredness and protection never known before. Among the triumphs of this spirit of freedom and humanity, one of the most signal is the desire to put an end to slavery. The cry for Emancipation swells and spreads from land to land. And whence comes the opposing cry? From St. Petersburg? From Constantinople? From the gloomy jealous cabinets of despotism? No; but from republican America! from that country, whose Declaration of Independence was an era in human history! The nations of the earth are beginning to proclaim, that slaves shall not breathe their air, that whoever touches their soil shall be free. Republican America protests against this reverence for right and humanity, and summons the nations to enforce her laws against the slave. Oh my country! hailed once as the asylum of the oppressed, once consecrated to liberty, once a name pronounced with tears of joy and hope! now a by-word among the nations, the scorn of the very subjects of despotism! How art thou fallen, morning star of freedom! And has it come to this? Must thy children blush to pronounce

thy name? Must we cower in the presence of the Christian world? Must we be degraded to the lowest place among Christian nations? Is the sword, which wrought out our liberties, to be unsheathed now to enforce the claims of slavery on foreign states? Can we bear this burning shame? Are the free states prepared to incur this infamy and crime?

“Slaves cannot breathe in England.” I learned this line when I was a boy, and in imagination I took flight to the soil which could never be tainted by slaves. Through the spirit, which spoke in that line, England has decreed that slaves cannot breathe in her islands. Ought we not to rejoice in this new conquest of humanity? Ought not the tidings of it to have been received with beaming eyes and beating hearts? Instead of this, we demand that Humanity shall retrace her steps, and Liberty resign her trophies. We call on a great nation to abandon its solemnly pronounced conviction of duty, its solemnly pledged respect for human rights, and to do what it believes to be unjust, inhuman, and base. Is there nothing of insult in such a demand? This case is no common one. It is not a question of policy, not an ordinary diplomatic concern. A whole people, from no thought of policy, but planting itself on the ground of justice and of Christianity, sweeps slavery from its soil, and declares that no slave shall tread there. This profound religious conviction, in which all Christian nations are joining her, we come in conflict with, openly and without shame. Is this an enviable position for a country which would respect itself or be respected by the world? It is idle, and worse than idle, to say as is sometimes said, that England has no motive but policy in

her movements about slavery. He who says so, talks ignorantly or recklessly. I have studied abolitionism in England enough to assure those who have neglected it, that it was the act not of the politician but of the people. In this respect it stands alone in history. It was a disinterested movement of a Christian nation in behalf of oppressed strangers, beginning with Christians, carried through by Christians. The government resisted it for years. The government was compelled to yield to the voice of the people. No act of the English nation was ever so national, so truly the people's act, as this. And can we hope to conquer the conscience as well as the now solemnly adopted policy of a great nation? Were England to concede this point, she would prove herself false to known, acknowledged truth and duty. Her freshest, proudest laurel would wither. The toils and prayers of her Wilberforces, Clarksons, and a host of holy men, which now invoke God's blessings on her, would be turned to her reproach and shame, and call down the vengeance of Heaven.

In bearing this testimony to the spirit of the English people in the abolition of the slave trade and of slavery, nothing is farther from my mind than a disposition to defend the public policy or institutions of that country. In this case, as in most others, the people are better than their rulers. England is one of the last countries of which I am ready to become a partisan. There must be something radically wrong in the policy, institutions and spirit of a nation, which all other nations regard with jealousy and dislike. Great Britain, with all her progress in the arts, has not learned the art of inspiring confidence and love. She sends forth her bounty over the earth,



but, politically considered, has made the world her foe. Her Chinese war, and her wild extension of dominion over vast regions which she cannot rule well or retain, give reason to fear, that she is falling a prey to the disease under which great nations have so often perished.

To a man who looks with sympathy and brotherly regard on the mass of the people, who is chiefly interested in the "lower classes," England must present much which is repulsive. Though a monarchy in name, she is an aristocracy in fact; and an aristocratical caste, however adorned by private virtue, can hardly help sinking an infinite chasm between itself and the multitude of men. A privileged order, possessing the chief power of the state, cannot but rule in the spirit of an order, cannot respect the mass of the people, cannot feel that for *them* government chiefly exists and ought to be administered, and that for *them* the nobleman holds his rank as a trust. The condition of the lower orders at the present moment is a mournful commentary on English institutions and civilization. The multitude are depressed in that country to a degree of ignorance, want and misery, which must touch every heart not made of stone. In the civilized world there are few sadder spectacles, than the contrast, now presented in Great Britain, of unbounded wealth and luxury with the starvation of thousands and ten thousands, crowded into cellars and dens without ventilation or light, compared with which the wigwam of the Indian is a palace. Misery, famine, brutal degradation, in the neighborhood and presence of stately mansions, which ring with gayety and dazzle with pomp and unbounded profusion, shock us as no other wretchedness does; and this is not an accidental but an almost necessary effect of

the spirit of aristocracy and the spirit of trade acting intensely together. It is a striking fact, that the private charity of England, though almost incredible, makes little impression on this mass of misery, thus teaching the rich and titled to be "just before being generous," and not to look to private munificence, as a remedy for the evils of selfish institutions.

Notwithstanding my admiration of the course of England in reference to slavery, I see as plainly as any the wrongs and miseries under which her lower classes groan. I do not on this account however subscribe to a doctrine very common in this country, that the poor Chartists of England are more to be pitied than our slaves. Ah no. Misery is not slavery, and, were it greater than it is, would afford the slave-holder no warrant for trampling on the rights and the souls of his fellow-creatures. The Chartist, depressed as he is, is not a slave. The blood would rush to his cheek and the spirit of a man swell his emaciated form, at the suggestion of relieving his misery by reducing him to bondage; and this sensibility shows the immeasurable distance between him and the slave. He has rights and knows them. He pleads his own cause, and just and good men plead it for him. According to the best testimony, intelligence is spreading among the Chartists; so is temperance; so is self-restraint. They feel themselves to be men. Their wives and children do not belong to another. They meet together for free discussion, and their speeches are not wanting in strong sense and strong expression. Not a few among them have seized on the idea of the elevation of their class by a new intellectual and moral culture, and here is a living seed, the promise of immeasurable good.



Shall such men, who aspire after a better lot, and among whom strong and generous spirits are springing up, be confounded with slaves, whose lot admits no change, who must not speak of wrongs or think of redress, whom it is a crime to teach to read, to whom even the Bible is a sealed book, who have no future, no hope on this side death ?

I have spoken freely of England ; yet I do not forget our debt or the debt of the world to her. She was the mother of our freedom. She has been the bulwark of protestantism. What nation has been more fruitful in great men in men of genius ? What nation can compare with her in munificence ? What nation but must now acknowledge her unrivalled greatness ? That little island sways a wider empire than the Roman, and has a power of blessing mankind never before conferred on a people. Would to God she could learn, what nation never yet learned, so to use power, as to inspire confidence not fear, so as to awaken a world's gratitude not its jealousy and revenge !

But whatever be the claims of England or of any other state, I must cling to my own country with strong preference, and cling to it even now, in this dark day, this day of her humiliation, when she stands before the world branded, beyond the truth, with dishonesty, and, too truly, with the crime of resisting the progress of freedom on the earth. After all she has her glory. After all, in these free states, a man is still a Man. He knows his rights, he respects himself, and acknowledges the equal claim of his brother. We have order without the display of force. We have government without soldiers, spies, or the constant presence of coercion. The rights of thought, of speech, of the press, of conscience, of

worship, are enjoyed to the full without violence or dangerous excess. We are even distinguished by kindliness and good temper amidst this unbounded freedom. The individual is not lost in the mass, but has a consciousness of self-subsistence, and stands erect. That character which we call Manliness, is stamped on the multitude here as nowhere else. No aristocracy interferes with the natural relations of men to one another. No hierarchy weighs down the intellect, and makes the church a prison to the soul from which it ought to break every chain. I make no boast of my country's progress, marvellous as it has been. I feel deeply her defects. But in the language of Cowper, I can say to her,

“ Yet being free I love thee ; for the sake  
Of that one feature can be well content,  
Disgraced as thou hast been, poor as thou art,  
To seek no sublunary rest beside.”

Our country is free ; this is its glory. How deeply to be lamented is it, that this glory is obscured by the presence of slavery in any part of our territory. The distant foreigner, to whom America is a point, and who communicates the taint of a part to the whole, hears with derision our boast of liberty, and points with a sneer to our ministers in London not ashamed to plead the rights of slavery before the civilized world. He ought to learn, that America, which shrinks in his mind into a narrow unity, is a league of sovereignties, stretching from the Bay of Fundy to the Gulf of Mexico, and destined, unless disunited, to spread from ocean to ocean ; that a great majority of its citizens hold no slaves ; that a vast proportion of its wealth, commerce, manufactures and arts belongs to the wide region not blighted by

this evil ; that we of the free states cannot touch slavery, where it exists, with one of our fingers ; that it exists without and against our will ; and that our necessity is not our choice and crime.\* Still the cloud hangs over us as a people, the only dark and menacing cloud. Can it not be dispersed ? Will not the South, so alive to honor, so ardent and fearless, and containing so many elements of greatness, resolve on the destruction of what does not profit and cannot but degrade it ? Must slavery still continue to exist, a firebrand at home and our shame abroad ? Can we of the free states brook, that it should be thrust perpetually by our diplomacy on the notice of a reproving world ? that it should become our distinction among the nations ? that it should place us behind all ? Can we endure, that it should control our public counsels, that it should threaten war, should threaten to assert its claims in the thunder of our artillery ? Can we endure that our peace should be broken, our country exposed to invasion, our cities stormed, our fields ravaged, our prosperity withered, our progress arrested, our sons slain, our homes turned into deserts, not for rights, not for liberty, not for a cause which humanity smiles on and God will bless, but to rivet chains on fellow-creatures, to extend the law of slavery throughout the earth ? These are great questions for the free states. I must defer the answer of them to another time. The duties of the free states in relation to slavery deserve the most serious regard. Let us implore Him, who was the God of our fathers, and who has shielded us in so many perils, to open our minds and hearts to what is true and just and good, to continue our

\* See NOTE C.

union at home and our peace abroad, and to make our country a living witness to the blessings of freedom, of Reverence for Right on our own shores and in our intercourse with all nations.

## NOTES.

## A.

To the preceding remarks, it is in vain to oppose the "comity of nations." England in her public acts having pronounced slavery unjust, pronounces also, that "comity" cannot prevail against justice. And is not this right and true? Can a nation be bound by comity to recognize within its borders and to carry into effect, by its judicial or executive machinery, the laws of another country which it holds to be violations of the law of nature or of God? Would not our own courts indignantly refuse to enforce a contract or relation between foreigners here, which, however valid in their own land where it was made, was contrary to our own institutions or to the acknowledged precepts of morality and religion?

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## B.

"It is said, that this alleged interference by the British authorities was contrary to the comity of nations, and that therefore the British government is bound to indemnify the owners of the slaves! But indemnity for what? for their asserted property in these men? But that government does not recognize property in men. Suppose the slaves were

dispersed by reason of its interference ; yet the master and owners received no damage thereby, for they had no title to the slaves. Their property had ceased, when these men came under the benign influence of English law.”

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## C.

I HAVE spoken of the great majority in our country who have no participation whatever in slavery. Indeed it is little suspected at home any more than abroad, how small is the number of slave-holders here. I learn from a judicious correspondent at the South, that the slave-holders in that region cannot be rated at more than 300,000. Some make them less. Supposing each of them to be the head of a family, and each family to consist of five members ; then there will be 1,500,000 having a direct interest in slaves as property. This is about *one eleventh* of the population of the United States. The 300,000 actual slave-holders are about a *fifty-sixth part* of our whole population. These govern the South entirely, by acting in concert, and by the confinement of the best education to their ranks ; and, still more, to a considerable extent, they have governed the whole country. Their cry rises above all other sounds in the land. Few as they are, their voices well-nigh drown the quiet reasonings and remonstrances of the North in the House of Representatives.







THE  
DUTY OF THE FREE STATES.

Second Part.

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BY WILLIAM E. CHANNING.

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THE

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THE first part of this Tract was devoted to an examination of the affair of the Creole. Its object, however, as the reader may easily discern, was not so much to determine the merits of a particular case, as to set forth general principles of justice and humanity, which have been too much overlooked in the intercourse of individuals and nations. I shall keep the same object in view in this second part of my remarks, which will have no reference to the Creole, but be devoted to the consideration of the Duties of the Free States. My great aim, in what I have written and now write, on matters of public interest, is to re-unite politics and morality ; to bring into harmony the law of the land and the law of God. Among the chief causes of the miseries of nations is the divorce which has taken place between politics and morality ; nor can we hope for a better day, till this breach be healed. Men, intrusted with government, have always been disposed to regard themselves as absolved from the laws of justice and humanity. Falsehoods and frauds are allowed them for their country or their party. To maintain themselves against their opponents, they may even involve nations in war ; and the murders and rob-

beries which follow this crime are not visited on their heads by human justice. In all times, government has been the grand robber, the grand murderer, and has yet escaped the deep reprobation which breaks forth against private guilt. Such profligacy pervades the sphere of political action, that the confidence of the people is well-nigh withdrawn from public men; and a virtuous statesman is involved in the suspicions which his unprincipled associates have drawn upon his vocation. Public life is thought to release men not only from the obligations of justice, but from the restraints of good manners; and accordingly the debates of Congress are too often polluted by vulgar abuse, threats and brawls. So low is the standard of political life, that a man is smiled at for his simplicity, who talks of introducing religion into the conduct of public affairs. Religion, it is thought, belongs to sabbaths and churches, and would be as much out of place in cabinets or halls of legislation, as a delicate lady on a field of battle. A stranger might be tempted to think, that the Sergeant-at-arms was stationed at the doors of legislative chambers, to forbid entrance to the everlasting law of God, and that nothing but man's impotence prevents the exclusion of Him, whose holy presence fills the universe.

Nothing is so needed as to revive in citizens and rulers, the conviction of the supremacy of the moral christian law. Could this be done, the earth would cease to be what in a measure it now is, the image of hell, and would begin to grow green again with the plants of Paradise. Religion, the only true guide of life, the guardian and inspirer of all the virtues, should especially reign over the deliberations of governments, by which the weal and

wo of nations, the solemn questions of peace and war, of life and death, are determined. On this account, every man who has studied human duty, human perfection, human happiness, has a right and is bound to speak on matters of public concern, though his judgment may be contemned by hackneyed politicians. It seems, indeed, to be thought by some, that politics are mysteries, which only the initiated must deal with. But in this country, they belong to the people. Public questions are and ought to be subjected to the moral judgment of the community. They ought to be referred to the religion which we profess. Christianity was meant to be brought into actual life. The high and the low, private and public men, are alike to bow before it. To remove any sphere of human action from its cognizance, is virtually to deny its divinity, and to absolve all men from its control. Under these impressions, I shall speak of the Duties of the Free States. Duties rank higher than interests, and deserve the first regard. It is my particular object to consider the obligations of the Free States in regard to slavery ; but I shall not stop at these. Other obligations need to be pressed. It is not, indeed, easy to confine oneself within rigid bounds, when the subject of Duty is discussed ; and, accordingly, I shall add remarks on a few topics, not intimately connected with slavery, though in truth this subject will be found to insinuate itself into all.

I am to speak of the Duty of the Free States ; but it is important to observe, that I mean by these, not merely communities represented in legislatures, but much more, the individuals, the people, who compose them. I shall speak not of what we are bound to do as

sovereignties, but as men, as christians. I shall speak not merely of the action of government, but of the influence which every man is bound to exert in the sphere in which Providence has placed him; of the obligations of the individual to bring public opinion and public affairs, as far as he may, to the standard of truth and rectitude.

I insist on this, because the feeling of individual responsibility is very much lost in consequence of the excessive deference of the private man to the government under which he lives. On the subject of slavery in particular, the responsibility both at the North and South is shifted very much from the individual to the State. The private conscience is merged in the public. What the government determines, the multitude of men are apt to think right. We do not exercise our moral judgment, because it has been forestalled by the constitution and by the laws. We are members of a community, and this relation triumphs over all others.

Now, the truth is, that no decision of the State absolves us from the moral law, from the authority of conscience. It is no excuse for our wrong-doing, that the artificial organization, called society, has done wrong. It is of the highest moment, that the prevalent notions of a man's relation to the State should be rectified. The idea of this relation is so exaggerated and perverted, as to impair the force of every other. A man's country is more thought of than his nature. His connection with a particular community is more respected than his connection with God. His alliance with his race is reduced to a nullity by his alliance with the State. He must be ready to give up his race, to sacrifice all its rights and

interests, that the little spot where he was born may triumph or prosper. The history of nations is very much the history of the immolation of the individual to the country. His nationality stands out before all his other attributes. The nation, represented by one or a few individuals, has arrogated to itself the dignity of being the fountain of all his rights. It has made his religion for him. Its will, called law, has taken place of all other laws. It has seized on the individual as its tool, and doomed him to live and die for its most selfish purposes. The sacredness of the individual is even yet so little understood, that the freest country on earth is talking of war, because a local law, enslaving the individual, is not recognized by the whole earth. But the nation is not every thing. The nation is not the fountain of right. Our first duties are not to our country. Our first allegiance is not due to its laws. We belong first to God, and next to our race. We were, indeed, made for partial, domestic and national ties and affections, and these are essential means of our education and happiness in this first stage of our being ; but all these are to be kept in subjection to the laws of universal justice and humanity. They are intended to train us up to these. In these consists our likeness to the divinity. From these considerations it will be seen that the following remarks are not addressed to bodies politic, so much as to individuals.

The duty of the Free States in regard to slavery may be classed under two heads. First : these States are bound to construe with the utmost strictness all the articles of the Constitution which in any way touch on slavery, so that they may do nothing in aid of this insti-

tution, but what is undeniably demanded by that instrument; and secondly, they are bound to seek earnestly such amendments of the Constitution as will remove this subject wholly from the cognizance of the general government; such as will be just alike to the North and South; such as will release the North from all obligation whatever to support or sanction slavery, and as will insure the South from all attempts by the Free States to stir up the slaves.

First: the Free States are bound to confine all action in regard to slavery to the narrowest limits which will satisfy the Constitution. Under this head, our attention is naturally drawn, first to the chief, and I may say, the only express provision of the instrument relating to this subject. I refer to the clause requiring that a slave escaping into the Free States shall be delivered up, on the claim of his master. This provision may seem clear; but the execution of it in such a manner as to accomplish its end, and yet to prevent the encroachments of slavery on the Free States, is not easy. The provision was designed to give authority to the master to claim the fugitive slave. But in doing this, a far higher good than the recovery of a thousand slaves flying from the South is put in peril, and that is, the freedom of the colored population of the North; and we are bound to insist that this freedom shall be placed beyond the reach of peril. This danger is not imaginary. Kidnapping in the Free States is one of the evils which have grown out of our connection with slavery, and it has been carried on with circumstances of great barbarity. Thus slavery has been recruited from the North.



The law of Congress, framed to carry into effect the constitutional provision to which we have referred, almost seems to have been designed to give shelter to this crime. No care has been taken to shield the colored man at the North. The slave-holder or slave-hunter may carry him before a justice of the peace as a fugitive, and may himself be a witness in the case, and this tribunal may send the accused to perpetual bondage. We all know how, and by whom a commission of justice of peace is often obtained. We know that a claim of more than twenty dollars is not left to the decision of a justice's court. We know the advantage which may be enjoyed before such a magistrate, by the rich slave-holder over a poor, perhaps friendless laborer. And yet to this tribunal it is given to pass a sentence on a human being as terrible as death. An officer, not trusted with the adjudication of property exceeding twenty dollars, is allowed to make a man a slave for life.

To repair this great injustice, to prevent the transportation of our citizens to slavery, some of the state legislatures have held themselves bound to supply the deficiencies of the law of Congress, and for this end have referred the suspected slave to a higher tribunal, and given him the benefit of trial by jury. To our great sorrow, this state legislation has been pronounced unconstitutional by a recent decree of the Supreme Court of the United States; so that the colored man is driven back to the court to which he had been unjustly doomed before. On this decree it becomes me not to pass sentence; but one thing is clear, that the Free States are now bound to the most earnest efforts to protect that portion of their citizens exposed to the peril of being carried into bondage.

The grand principle to be laid down is, that it is infinitely more important to preserve a free citizen from being made a slave, than to send back a fugitive slave to his chain. This idea is to rule over and determine all the legislation on this subject. Let the fugitive be delivered up, but by such processes as will prevent a freeman from being delivered up also. For this end full provision must be made. On this point the Constitution, and a still higher law, that of nature and God, speak the same language; and we must insist that these high authorities shall be revered.

The Constitution opens with these memorable words: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure *the blessings of liberty* to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." It is understood and conceded, that this preamble does not confer on the national government any powers but such as are specified in the subsequent articles of the instrument; but it teaches and was designed to teach the spirit in which these powers are to be interpreted and brought into action. "To secure the blessings of liberty," is enumerated among the purposes of the national compact; and whoever knows the history of the Constitution, knows that this was the grand purpose for which the powers of the Constitution were conferred. That the liberty of each man, of the obscurest man, should be inviolate; this was the master-thought in the authors of this immortal charter. According to these views, we have a right to demand of Congress, as their highest

constitutional duty, to carry into the enactment of every law a reverence for the freedom of each and all. A law palpably exposing the freeman to be made a slave, and even rendering his subjection to this cruel doom nearly sure, is one of the most unconstitutional acts, if the spirit of the Constitution be regarded, which the national legislature can commit. The Constitution is violated, not only by the assumption of powers not conceded, but equally by using conceded powers to the frustration of the end for which they were conferred. In the law regulating the delivery of supposed fugitives, the great end of the national charter is sacrificed to an accidental provision. This Constitution was not established to send back slaves to chains. The article requiring this act of the Free States was forced on them by the circumstances of the times, and submitted to as a hard necessity. It did not enter into the essence of the instrument; whilst the security of freedom was its great, living, all-pervading idea. We see the tendency of slavery to warp the Constitution to its purposes, in the law for restoring the flying bondman. Under this not a few, having not only the same natural but legal rights with ourselves, have been subjected to the lash of the overseer.

But a higher law than the Constitution protests against the act of Congress on this point. According to the law of nature, no greater crime against a human being can be committed, than to make him a slave. This is to strike a blow at the very heart and centre of all his rights as a man; to put him beneath his race. On the ground of the immutable law of nature, our government has pronounced the act of making a man a slave on the coast of Africa, to be piracy, a capital crime. And shall the

same government enact or sustain a law which exposes the freeman here to be reduced to slavery, which gives facilities to the unprincipled for accomplishing this infinite wrong? And what is the end for which the freeman is so exposed? It is that a man flying from an unjust yoke may be forced back to bondage, an end against which natural and divine justice protests; so that to confirm and perpetuate one violation of the moral law, another still greater is left open and made easy to the kidnapper.

There seems no need of enlarging on this point. Every man who enjoys liberty can understand what it is to be made a slave, to be held and treated as property, to be subjected to arbitrary will, to arbitrary punishment, to the loss of wife and child, at another's pleasure. Every man knows what he would feel at having a son or a daughter torn from him and sent to slavery. And liberty is not a whit dearer to us than it is to a human brother, whose only misfortune it is to wear a darker skin. We are bound to extend to him the same protection of law as to our own child.

To condemn a man to perpetual slavery is as solemn a sentence as to condemn him to death. Before being thus doomed, he has a right to all the means of defence which are granted to a man who is tried for his life. All the rules, forms, solemnities, by which innocence is secured from being confounded with guilt, he has a right to demand. In the present case, the principle is eminently applicable, that many guilty should escape, rather than that one innocent man should suffer; because the guilt of running away from an "owner," is of too faint a color to be seen by some of the best eyes, whilst that of enslaving the free is of the darkest hue.

The Constitution provides that no man shall "be deprived of life, liberty, or property, without due process of law." A man delivered up as a slave is deprived of all property, all liberty, and placed in a condition where life and limb are held at another's pleasure. Does he enjoy the benefits of "a due process of law," when a common justice of peace, selected by the master, and receiving the master as a witness, passes sentence on him without jury and without appeal?

It is of great importance, that a new and satisfactory law on this subject should be passed by Congress. It is a serious evil to perpetuate legislation against which the moral sense of the community protests. In this country, public opinion is the strength of the laws, is the grand force with which the public authorities must surround themselves. The present law for the recovery of fugitive slaves is reprobated, not by the passions, but by the deliberate moral judgments of large portions of the Free States; and such being the case, it cannot be executed. There are a thousand ways of evading it without force. In some parts of the country, I fear, it might be resisted by force, should its execution be urged; and although a law demanded by justice should never be yielded to the fear of tumult; though we ought to encounter violence rather than make a sacrifice of duty; yet, on the other hand, it is most unwise to uphold a palpably unrighteous law, which by its unrighteousness endangers the public peace. In such a case, the chief responsibility for the danger rests on the obstinacy of the legislator. The appointed guardian of social order proves its foe.

A trial by jury ought to be granted to the suspected

fugitive, as being the most effectual provision for innocence known to our laws. It is said, that under such a process, the slave will not be restored to his master. Undoubtedly the jury is an imperfect tribunal, and may often fail of a wise and just administration of the laws. But, as we have seen, the first question to be asked is, How shall the free man be preserved from being sentenced to slavery? This is an infinitely greater evil than the escape of the fugitive; and to avert this, a trial by jury should be granted, unless some other process as safe and effectual can be devised.

In these remarks I would not intimate that the slaveholders as a body desire a loose law, which will place the innocent at their mercy, in order to be kidnappers. The South is as incapable of this baseness as the North. But in both regions there are too many men, profligate enough to use such a law for the perpetration of the greatest crime. We know that the existing law has been so used, that the facilities and temptations, which it ministers to the grossest violation of right, have whetted cupidity and instigated to cruelty. Then it must be changed.

The slave-holder must not say that a change will annul his claim on the flying slave. He ought to consider that in insisting on processes for enforcing his claim, which cannot but result in enslaving the free, he virtually enrols himself among kidnappers. Still more he should understand, that his only chance of asserting his claim rests on the establishment of such a law as will secure the rights of the colored man of the Free States. There is a jealousy on this point among us, which, as it is righteous, must be respected. It is a spreading jealousy,

and will obstruct more and more the operation of the existing law. It must not be spoken of as a fever which has reached its height. It is a sign of returning moral health, and its progress will be aided by perseverance in immoral means of reclaiming the flying slave.

Having shown how the Free States are bound to construe the clause of the Constitution relating to fugitive slaves, or rather, "persons held to service in other States," I proceed, in the second place, to show the strict construction which should be given to those parts of the Constitution under which the general government has been led to take slavery into its protection, *in its intercourse with foreign nations*. This agency is believed to be wholly without warrant, and it threatens so to extend itself and to disturb so much our relations with foreign states, that we are bound, not only by considerations of morality, but of our essential interests, to reduce it within the precise limits of the Constitution.

By this instrument, the powers of declaring war, appointing ambassadors, raising armies, and making treaties, are conferred on the national government. The protection of our rights against foreign powers was undoubtedly a principal end of the Union. Every part of the country expects and requires it "to provide for the common defence." But it is plain that this duty of the national government, to watch over our rights abroad, cannot go beyond those rights. It cannot seek redress but for wrongs inflicted by foreign powers. To insist on groundless, unreasonable claims, is an unwarrantable abuse of power; and to put in peril our national peace by assertion of these, is to violate at once the national charter, and the higher law of universal justice and good will.



The grand principle to be adopted by the North is this, that, because certain states of this Union see fit to pronounce certain human beings within their territory to be property, foreign nations are not bound to regard and treat these persons as property, when brought within their jurisdiction. Of consequence, the national government has no claim on foreign governments, in regard to slaves carried beyond the limits of the South, and found in other countries. The master has no authority over them in a foreign land. They appear there as men. They have rights there as real, as sacred, as the country has from which they came, and these must on no account be sported with.

The rights of the individual lie at the very foundation of civil society, and society, truly constituted, confirms instead of taking them away. The simple idea of a nation is, that it is the union of a multitude to establish and enforce laws for the protection of every right. A nation is not to depart from this, its true idea, its primitive end, and deny to human beings entering its borders the common rights of humanity, because these men have been seized in another part of the world and reduced to the condition of chattels or brutes. One injustice does not induce the necessity of another. Because a man is wronged in one place, it does not follow that he must be wronged every where. A particular state cannot, by its form of legislation, bind the whole earth to become partakers with it in a crime. It would seem as if the fact of a man's having been injured on one spot, were rather a reason for his enjoying peculiar protection elsewhere.

The local municipal law which ordains slavery in a state, does not make it just ; does not make man rightful



property, even in the particular country where it is established. This law, however, is to be respected in a certain sense by foreign nations. These must not enter the slave-holding country to enforce emancipation. But in thus restraining themselves, they acknowledge no moral right in the master, no moral validity in the law declaring man property. They act simply on the principle, that one nation is not to intermeddle with the legislation of another, be it wise or foolish, just or unjust. Foreign nations are not to touch a law creating slavery in a particular country, because they touch none of the laws there. If that country choose to ordain polygamy as in the Eastern world, or stealing as in Sparta, or prostitution as in some established religions of antiquity, no other nations can interfere to repeal these ordinances. But, because unmolested in the place of their birth, are these institutions to be carried beyond it, to be regarded as sacred by other governments, and not only to be allowed, but to be enforced in foreign regions? Shall a Mahometan country hold itself wronged and declare war, because one of its subjects, carrying with him a hundred wives, cannot set up a harem in a Christian country, or cannot receive the aid and succor of the authorities of a foreign port in recovering fifty of his women who had found their way to the shore? Are the tribunals of a country to lend themselves to the execution of foreign laws which are opposed to its own? and which, not only its policy, but its religion and moral sense condemn?

The sum of these remarks is, that slavery is not to be spoken of as recognized in any sense whatever by nations which disclaim it; that to them it does not exist as a right any where; that in their own jurisdiction it

cannot exist as a fact; and, from these views, it follows that no nation, allowing or ordaining slavery within its limits, has a right to demand any recognition of it in any shape or degree beyond its own borders. To attempt to protect it or to require protection for it in the ports of another country, is to set up not merely a groundless, but an iniquitous claim. To charge another country with wrong-doing for not aiding us to retain this property, is to do wrong ourselves, and to offer an insult to a more righteous community.

The Constitution, then, which commits to the national authorities the maintenance of our rights abroad, is transcended, its powers are unwarrantably stretched, when the government goes abroad to claim respect in any form or degree to the slave laws of a part of this country, or when it introduces slavery at all as a matter of controversy into our discussions with foreign powers. To these, slavery does not exist. In their own sphere they do not become accountable to us, by utter disregard of the slave laws of the South, or by refusing to see any thing but men in the slaves of that region, when carried by any means whatever within their bounds. Slavery is a word which should never be uttered between us and foreign states. It is as local a matter as the licensing of gambling houses at New Orleans, and can with no more fitness be made a matter of diplomacy. It is we who are guilty of encroachment, when we deny the right of other nations to follow their own laws rather than ours within their own limits, and to regard as men, all human beings who enter their ports.

When we look into the Constitution, we see not one express obligation imposed in regard to slavery. "Per-

sons held to service or labor in one State under the laws thereof," and who escape from it, are to be restored. This language, as we have seen in the first part of this Tract, was adopted to exclude the recognition of the lawfulness of slavery "in a moral point of view." The Constitution, in requiring the surrender of slaves in one case only, leaves them in all other cases to come under the operation of the laws of the Free States when found within the limits of the same. Does not the Constitution then plainly expect that slaves from the South, if carried into foreign ports, will fall under the operation of the laws established there?

There is still another view. Slavery is limited in this country to one region. In the rest of the country it does not exist; and still more, it is regarded as a violation of the law of nature and of God. Now the general government, when it calls on foreign nations to respect the claims of the slave-holder, speaks in the name, not merely of the Slave States, but of the Free; in the name of the whole people. And ought the whole people to be thus committed to the cause of slavery, unless an undoubted unequivocal obligation is imposed on them by the Constitution to assume its defence; unless a clear case can be made out against the Free States? The Constitution is to be explained in part by the known views of its authors. We have seen how slow they were to recognize a moral right in slavery. Did they intend that we should assert its claims to the ends of the earth?

It is true the national government has interfered to claim slaves thrown on a foreign shore, and this consideration is of weight. But in so grave an affair, it does not decide the constitutional question. That the admin-

istration of the national government has been unduly swayed by the slave-holding portion of the country, we of the North believe. That under this influence an unwarrantable extension of constitutional powers has taken place, is very conceivable. False interpretations of such an instrument, which favor the interests of one part of the people, without apparently touching the rest of the community, easily steal into the public policy. Time alone exposes them, and time ought not to be alleged as a reason for their continuance.

In interpreting the Constitution, it is not only necessary to consult the history of the period of its formation, but to apply to it the principles of universal justice. Its authors honored these, and did not intend to establish a government in hostility to them. They acted in the spirit of reverence for human rights. This is eminently the spirit of the Constitution, and by this it should be construed. Doubtful articles should receive an interpretation which will bring them into harmony with the immutable laws of duty. Any other construction virtually falls to the ground. It is of no force, for it cannot shake the authority of God. On these principles we maintain that the Constitution does not and cannot bind the government to demand from the whole human race, respect to the municipal law of Southern slavery.

This topic is not a merely speculative one, but of great practical importance. Our honor as a people is involved in the construction of the Constitution now pleaded for. This is not the day for setting up pretensions in favor of slavery, for demanding from the whole civilized world succor and countenance in enforcing our property in man. We disgrace ourselves in sending

abroad ministers on such a message. We should regard our character too much, to thrust the deformity and stench of slavery into the eyes and nostrils of the world. We should regard too much the reputation of honorable men, who represent us in foreign countries, to employ them in this low work. An American, alive to his country's honor, cannot easily bear this humiliation abroad. It is enough, that, in our private intercourse with foreigners, we are set down as citizens of a slave-holding country. But we need not and ought not to hold up our shame in the blaze of courts, in the high places of the world. We ought not industriously to invite men every where to inspect our wounds and ulcers. Let us keep our dishonor at home. The Free States especially should shrink from this exposure. They should insist, that slavery shall be a state interest, not a national concern; that this brand shall not be fixed on our diplomacy, on our foreign policy; that the name of American shall not become synonymous every where with oppression.

But something more than dishonor is to be feared, if our government shall persevere in its efforts for maintaining the claims of slave-holders in foreign countries. Such claims, if asserted in earnest, must issue in war, for they cannot be acceded to. England has taken her ground on this matter; so ought the Free States. On this point we ought to speak plainly, unconditionally, without softening language. We ought to say to the South, to Congress, to the world: "*We will not fight for slavery. We can die for Truth, for Justice, for Rights. We will not die or inflict death, in support of wrongs.*" In truth this spirit, this determination, exists now so extensively in the Free States, that it is utterly impossible

for a war to be carried on in behalf of slavery ; and such being the fact, all diplomacy in its behalf becomes a mockery. It is a disgraceful show for no possible benefit. Even could war be declared for this end, the deep moral feeling of a large part of the community would rob it of all energy, and would insure defeat and shame. Bad as we think men, they cannot fight against their consciences. The physical nature finds its strength in the moral. The rudest soldiers are sustained by the idea of acting under some lawful authority ; and on this account have an advantage over pirates, who either cower, or abandon themselves to a desperation, which, by robbing them of a guiding intelligence, makes them an easier prey. In proportion as a people become enlightened, and especially in proportion as they recognize the principles of Christianity, it is harder to drive them into a war. The moral sense, which in an ignorant age or community is easily blinded, cannot in their case be imposed on without much skilful sophistry. They take the justice of a war less and less on trust. They must see that they have right on their side, or they are no match for a foe. This country has the best materials for an army in a righteous cause, and the worst in a wicked one. No martial law could drive us to battle for the slave-holder's claim to the aid or countenance of foreign powers. We could not fight in such a quarrel. Our "hands would hang down," as truly as if loaded with material chains. To fight for a cause at which we blush ! for a cause which conscience protests against ! for a cause on which we dare not ask the blessing of God ! The thing is impossible. Our moral sympathies would desert to our foe. We should honor him for not

suffering a slave to tread his soil. God keep us from being plunged into a war of any kind ! But if the evil is to be borne, let us have, at least, the consolation that our blood is shed for undoubted rights ; that we have truth, justice, honor on our side ; that religion, freedom, and humanity are not leagued with our foe.

“Thrice is he armed who hath his quarrel just,  
And he but naked, though locked up in steel,  
Whose conscience with injustice is corrupted.”

I proceed, in the third place, to another topic which will complete my remarks on the duties of the Free States in relation to slavery, under the present provisions of the Constitution. These States are bound to insist on the *abolition of slavery and the slave trade in the District of Columbia*. Their power in this regard is unquestionable. To Congress is committed exclusively the government of the District, and it is committed without any restrictions. In this sphere of its action, the general government has no limitations, but those which are found in the principles of the Constitution and of universal justice. The power of abolishing slavery in the District is a rightful one, and must be lodged somewhere, and can be exercised by Congress alone. And this authority ought not to sleep.

Slavery in the District of Columbia is not Southern slavery. It has no local character. It is the slavery of the United States ! It belongs equally to the free and to the slave-holding portion of the country. It is *our* institution, as truly as if it were planted in the midst of us ; for this District is the common ground of the nation. Its institutions exist solely by authority of the nation. They are as truly expressions of the national will, as any acts



of Congress whatever. We all uphold the slave code, under which men are bought and sold and whipped at their masters' pleasure. Every slave auction in the District is held under our legislation. We are even told, that the prison of the District is used for the safe-keeping of the slaves who are brought there for sale. In the former part of these remarks, I said that the Free States had no participation in this evil. I forgot the District of Columbia. There we sustain it as truly as we support the navy or army. It ought then to be abolished at once. And in urging this action, we express no hostility towards Southern institutions. We do not think of the South. We see within a spot under our jurisdiction, a great wrong sustained by law. For this law we are responsible. For all its fruits we must give account. We owe then to God, to conscience, to rectitude, our best efforts for its abolition. We have no thought of limiting Southern institutions. It is our own unjust, unhallowed institution which we resolve no longer to maintain. Can the Free States consent to continue their partnership in this wrong? They have not even the poor consolation of profiting by the crime. The handful of slaves in the District may be of some worth to a few masters, but are utterly insignificant in their relation to the country. They might be bought by the government and set free at less expense than is incurred in passing many an act of Congress.

Emancipation in the present case is opposed by the South, not on account of any harm to be endured by the District or the country, but simply because this measure would be a public formal utterance of the moral conviction of the Free States on the subject of slavery.



Our case is a hard one indeed : We are required to support what we abhor, because by withdrawing our support we shall express our abhorrence of it. We must go on sinning, lest we become witnesses against sin. Could we root slavery out of the District without declaring it to be evil, emancipation would be comparatively easy ; but we are required to sustain it, because we think it evil, and must not show our thoughts. We must cling to a wrong, because our associates at the South will not consent to the reproof implied in our desertion of it. And can it be that we are so wanting in moral principle and force, as to yield to these passionate partners ? Is not our path clear ? Can any thing authorize us to sanction slavery by solemn acts of legislation ? Are any violations of right so iniquitous as those which are perpetrated by law, by that function of sovereignty which has the maintenance of right for its foundation and end ? Can it be that the Free States send their most illustrious men to Congress, to set their seal to slavery ? that the National Government, intended to be the centre of what is most august and imposing in our land, should be turned into a legislature of a slave district, and should put forth its vast powers in sustaining a barbarous slave code ? If this must be, then does it not seem fit, that the national eagle should add the whip of the overseer to the arrows and olive-branch which he now grasps in his talons ?

But this is not all. The District of Columbia is not only tainted with slavery, but it is a great, I believe the greatest, slave-market in our country. To this, human beings are driven as cattle ; driven sometimes, if not often, in chains. It is even reported, that the slave-

coffle is sometimes headed by the flag of the United States. To this spot, the metropolis of our nation, are brought multitudes of our fellow-creatures, torn from their homes by force and for others' gain, and heart-stricken by the thought of birth-place and friends to be seen no more. Here women are widowed and children made orphans, whilst the husband and the parent still live. A more cruel minister than Death has been at work in their forsaken huts. These wronged fellow-beings are then set up for sale, and women, as well as men, are subjected to an examination, like that which draught-horses undergo at an auction. That the seat of the National Government should be made a mart for this shameful traffic, is not to be endured. On this point some deference is due to the Free States and the character of the country. The spot on which we all meet as equals, and which is equally under the jurisdiction of all, ought to be kept clean from a trade which the majority think inhuman and a disgrace to the land. On this point there can be no doubt as to the constitutional power of Congress. That body may certainly remove a nuisance from a spot which is subject to its unrestricted authority. A common township may abate nuisances. In many of the States the municipal authorities may prohibit, if they see fit, the sale of ardent spirits within their limits. Congress may certainly say, that the "ten-miles square" ceded to the United States shall not be a market for slaves. Washington holds a peculiar relation to the country. Foreigners repair to it as the spot in which to observe our institutions. That slavery, our chief stain, should be exposed most ostentatiously at the seat of government, is a violation of national decency, a sign

of moral obtuseness, of insensibility to the moral judgment of mankind, which ought immediately to cease.

I have now spoken of the Duties of the Free States under the Constitution, as it now exists. I proceed to a still higher Duty incumbent on them, which is, to seek earnestly and resolutely for such amendments of the Constitution, as shall entirely release them from the obligation of yielding support in any way or degree to slavery, and shall so determine the relation between the Free and Slave States, as to put an end to all collision on this subject.

This I have said is a Duty, and as such it should be constantly regarded. The Free States should act in it with the calmness and inflexibleness of Principle, avoiding on the one hand passionateness, vehemence, invective, and on the other a spirit of expediency. It is a question not of interest but of Rights, and consequently above expediency. Happily, interest and duty go together in this matter; and were it not so, our first homage should be paid to the Right. The Free States should say calmly but firmly to the South: "We cannot participate in slavery. It is yours, wholly and exclusively. On you alone the responsibility rests. You must maintain and defend it by your own arms. As respects slavery, we are distinct communities, as truly, as in respect to institutions for the support of the poor or for the education of our children. Your slavery is no national concern. The nation must know nothing of it, must do nothing in reference to it. We will not touch your slaves, to free or restore them. Our powers in the State or National Governments, shall not be used to destroy or to

uphold your peculiar institutions. We only ask such modifications of the national charter as shall set us free from all obligation to uphold what we condemn. In regard to slavery, the line between the Slave and the Free States is a great gulf. You must not pass it to enforce your supposed rights as slave-holders, nor will we cross it to annul or violate the laws on which this evil system rests.”

The reasons for thus modifying the Constitution are numerous. The first has been again and again intimated. The moral sentiment of the North demands it. Since the adoption of the Constitution, a new state of mind in regard to slavery has spread through the civilized world. It is not of American growth only, but subsists and acts more powerfully abroad than at home. Slavery, regarded formerly as a question of great interest, is now a question of conscience. Vast numbers in the Free States cannot, without self-reproach, give it sanction or aid. From many family altars, the prayer rises to God for our brethren in bonds. The anti-slavery principle finds utterance in our churches, by our firesides, and in our public meetings. Now the Constitution ought to be brought into harmony with the moral convictions of the people. A government resisting these, deprives itself of its chief support. If we were to call on the South for a modification of the Constitution, under the influence of any private motives, any interests, any passions, we ought not to be heard. But the slave-holders, as men of principle and of honor, should shrink from asking us to do what we deliberately and conscientiously condemn. Allow it, that our moral sense is too scrupulous. We must still reverence and obey it. We have no higher law

than our conviction of duty. We ought especially not to be asked to resist it, in a case like the present, when our conscience is in unison with the conscience of the civilized world. Christendom responds to our reprobation of slavery ; and can we be expected to surrender our principles to a handful of men personally interested in the evil ? We say to the South : “ We are willing to be joined with you as a nation for weal or for wo. We reach to you the hand of fellowship. We ask but one thing ; do not require us to surrender what is dearer than life or nation, our sense of duty, our loyalty to conscience and God.” Will an honorable people demand this sacrifice from us ? Great deference is due to the moral sense of a community. This should take rank above political considerations. To ask a people to trifle with and slight it, is to invite them to self-degradation. No profit can repay their loss, no accession of power can hide their shame.

Another reason for modifying the Constitution, so that slavery shall be wholly excluded from the class of national objects, is found in the fact, that this interest, if allowed to sustain itself by the national arm, will intertwine itself more and more with public measures, and will color our whole policy, so that the Free States will be more and more compelled to link themselves with its support. Could the agency of the government in regard to this subject be rigidly defined, the evil would be more tolerable. But it is natural that the slave-holding States should seek to make the national power as far as possible a buttress of their “ peculiar institution.” It is as slave-holders, rather than as Americans, that they stand in Congress ; slavery must be secured, whatever befall other interests of the country. The people of the North

little understand what the National Government has done for the "peculiar institution" of the South. It has been and is the friend of the slave-holder, and the enemy of the slave. The National Government authorizes not only the apprehension and imprisonment in the District of Columbia, of a colored man suspected of being a runaway, but the sale of him as a slave, if within a certain time he cannot prove his freedom. The National Government has endeavored to obtain by negotiation the restoration of fugitive slaves, who had sought and found freedom in Canada, and has offered in return to restore fugitives from the West Indies. It has disgraced itself, in the view of all Europe, by claiming as property, slaves who have been shipwrecked on the British islands, and who by touching British soil had become free. It has instructed its representative at Madrid to announce to the Spanish Court, "that the emancipation of the slave population of Cuba would be very severely felt in the adjacent shores of the United States." It has purchased a vast unsettled territory, which it has given up to be overrun with slavery. Are we willing that the national power, in which all the States have a common interest and share, and for the use of which we are all responsible, should be so employed?

How far slavery does and will sway the National Government may be judged from the fact, that it is a bond of union to all who participate in it; that the South is prepared by it for a coöperation unknown at the North; and that, of consequence, it gives to the South, in no small degree, the control of the country. The jealousies of the slave-holder never sleep. They mix with and determine our public policy in matters which we might think

least open to this pernicious influence. Of late, one of the most distinguished men in the country,\* the citizen of a Free State, was nominated as Minister to the English Court. He had one qualification, perhaps, above any man who could have been selected for the office; that is, a thorough acquaintance with our controversy with Great Britain as to the northern boundary. His large intellectual culture, his literary eminence, his admirable powers, and his experience in public affairs, fitted him to represent the United States in the metropolis of Europe, where a man of narrow education and ordinary powers would dishonor his country. But the nomination of this gentleman was resisted vehemently in the Senate, on the ground that he had expressed his moral opposition to slavery; and that he would not, therefore, plead the cause of slavery at the Court of St. James. For a time his appointment was despaired of, and it was confirmed at last only by a firmness of remonstrance which the South could not safely oppose. The action of the slave-holders on this subject, though not carried through, does not the less manifest their spirit and policy. They have virtually expressed their purpose to exclude from all places of trust and honor every man from the North, who expresses his moral feelings against slavery. And as these feelings are spreading among us and gaining strength, the slave-holder has virtually passed a sentence of proscription on the North. If possible, the door of the Cabinet is to be shut in our faces. The executive power must be lodged in other hands. Our most enlightened and virtuous citizens must not represent the country abroad. This rejection of a man on the ground

\* EDWARD EVERETT.



of a moral conviction which pervades the North, is equivalent to a general disfranchisement. A new test for office, never dreamed of before, is to exclude us from the service of the country in those high public trusts which are the chief instruments of public influence. And can we consent to become a proscribed race? Shall our adherence to great principles be punished by civil degradation? Can we renounce all kindred with our fathers, and suffer our very love of freedom and justice to be a brand of disqualification for offices which by the Constitution are thrown equally open to all?

The nomination of our Minister to England was all but rejected, and in this we see how slavery has complicated itself with our most important national affairs; how it determines the weightiest acts of the General Government; how it taints our foreign as well as domestic policy. The North cannot hope to escape with lending a helping hand, now and then, to Southern institutions. We must put our shoulders to the wheel. We must be governed throughout with reference to slavery. Were this the place, it would be easy to show how the South, by a skilful management of the parties of the North, has bent and may continue to bend the General Government to its purposes; how slavery has been made a means of concentrating power into the hands of those who uphold it. This institution is not a narrow interest, seldom intruding itself, too trifling to quarrel about; but a poisonous element, acting subtly on public affairs when it seems to be quiet, and sometimes breaking out into violences dishonorable to our national councils, and menacing to the Union. Its influences are not concealed; and the time has come for solemn, earnest effort to sever it from the government which it would usurp.



I proceed to offer another reason for so modifying the Constitution as to exclude slavery from its objects, which is akin to the last, but so important as to deserve distinct consideration. The slave-power in Congress not only mixes with and controls public measures, but it threatens our dearest rights and liberties. It is natural for every power to act and manifest itself according to its peculiar character. We ought not then to wonder, that slavery should set at nought all rights with which it comes in conflict. And yet that it should be so bold, so audacious, as it has proved itself, awakens some astonishment. We believed, that the Constitution had placed some rights above the reach of any party or power ; yet on these especially slavery has laid its hand. The right of Petition is one of the last we might suppose to be denied to a people. It has such a foundation in nature, that it is respected where other rights are trodden down. The Despot opens his ears to the petitions of his subjects. But in the Congress of a free people, petitions and memorials from large numbers of citizens, and even from public bodies, have been treated with indignity, and refused a hearing. But this is not all. The slave power has, if possible, taken a more daring step. A member of the House of Representatives\* has been censured by that body for presenting a series of grave resolutions, asserting the relation of the government to slavery, and denying the extension of its powers to slaves removed beyond our jurisdiction.

Liberty of speech has been secured to us by an express provision of the Constitution ; and if this right is especially inviolable in any person, it is in the Repre-

\* JOSHUA R. GIDDINGS.

sentative of the people, standing up in Congress to utter his own views and those of his constituents, on great questions of public policy. That such a man should be put to silence, should be subjected to censure for expressing his conviction in the calmest style, is a stretch of power, an excess of tyranny, which would have been pronounced impossible a few years since. This is to invade Liberty in her holiest place, her last refuge. It was not the individual who was wronged, but the constituents in whose name he spoke ; the State from which he came ; the whole nation, who can only be heard through its representatives.

This act stands alone, we conceive, in representative bodies. I have inquired and cannot learn, that the English Parliament, omnipotent as it declares itself, ever offered this outrage to freedom, this insult to the people. Until this moment, the liberty of speech in Congress has been held so sacred, that the Representative in debate has been left to violate without reproof good manners and the decencies of social life ; to bring dishonor on himself and his country, by coarseness and ribaldry ; to consume hour after hour, perhaps the day, in declamations which have owed their inspiration less to wisdom than to wine. During this very session, we have witnessed the spectacle of members of the House of Representatives denouncing and insulting the President of the United States, a coördinate power of the government, and entitled to peculiar respect, as embodying and representing the nation to foreign countries ; and this indecorum has been submitted to, lest the freedom of speech in that chamber should be encroached on. But because a Representative of high character has thought fit to express in the most unexciting style, his deliberate convictions on a

solemn question which threatens the country with war, he has been subjected to the indignity of a public rebuke. And why is he selected above all others for punishment? Because he has so interpreted the Constitution, as to deny both the right and the obligation of the government to protect slavery beyond the limit of the United States. For this sound exposition of the national charter, he is denied an immunity extended to the brawler and traducer. Can a precedent more fatal to freedom be conceived? Where is this tyranny to stop? Is there any doctrine, any construction of the Constitution, any vindication of the rights of his constituents, that may chance to be unpopular, for which a Representative may not incur this public rebuke? Is the tameness of the Free States under this usurpation, the way to suppress it? If even in Congress unpopular truth may not be spoken, what pledge have we that it may be uttered any where else? A blow has been struck at freedom of speech in all its forms; and in regard to no other right should we be so jealous as in regard to this. As long as we retain this, we retain the means of defending all our other rights, of redressing all wrongs. Take this away, and we have no redress but in force.

By the Constitution, each house of Congress has power to punish a member for disorderly behavior. In England, too, members may be punished for "contempt of the house." But in these cases, it is not intended to lay the least restraint on the discussion of public measures. In these cases the sacredness of the representative character is not violated. On the contrary, the individual is punished for insulting the representative body, the honor of which is indeed his own. It is to preserve the

house from disorders, which would infringe its privilege of free discussion, that this power over its members is chiefly required. The act of punishing a member for speaking his mind on general topics, on the principles of the Constitution, is an unprecedented tyranny, which ought to have raised a burst of indignation from one end of the country to the other. What right may not be invaded next? If the freedom of the press, if the right of worshipping God, shall be thought to come in conflict with slavery, what reason have we to hope that these, or any other of our liberties, will escape violation? Nothing is more common in life than to see men, who are accustomed to one outrage on rights, emboldened to maintain this by others and more flagrant. This experience of the usurpations of the slave-power should teach us to avoid all contact with it, to exclude it from our National Government. On this point of slavery, the two sections of the country should be separate nations. They should hold no communion.

These remarks suggest another reason for so modifying the Constitution, as to release the Free States from all action on slavery. It is almost too plain a reason to be named, and yet too important to be overlooked. Until such modification be made, the country can know no peace. The Free and Slave-holding States will meet in Congress, not to maintain peace, not to provide for the common liberty, the common welfare, the common defence, but for war. Subjects of public interest will not be looked at simply, nakedly, according to their own merits, but through the medium of jealousy and hatred, and according to their apparent bearing on slavery. The "peculiar institution" of the South is peculiarly sensitive

and irritable. It detects signs and menaces of danger in harmless movements, and does not weigh its words in resenting supposed injury. With this root of bitterness in our government, we must expect distracted public councils; we must witness fiery passions in the place of wise deliberations. The different sections of the country will become hostile camps.

It is painful to advert to the style of debate which the subject of slavery almost always excites in Congress, because it can hardly be spoken of without stirring up unpleasant feeling. On this subject the fiery temperament of the South disdains control. The North, it is true, has the comfort of knowing, that it is better to be insulted than to insult; and yet it is a position not very favorable to the temper or to self-respect, to be compelled to listen to such language as Northern men hear on the floor of Congress. The consequences are inevitable. Forbearance has limits; and reproach awakens reaction. Already a venerable representative from a Free State,\* whose moral courage, in union with his great powers, places him at the head of the public men of the country, has presented a front of stern opposition to the violence of the South. We thank him for his magnanimity. It is, perhaps, the greatest public service ever rendered in Congress to the North; for no man serves his country like him who exalts its spirit. Still we must allow, that the eloquence of this illustrious statesman has not tended to heal the wounds of the nation; and as friends of the Union, we must earnestly desire to banish from our public councils the irritating subject, which has given birth to the conflicts in which he has borne so dis-

\*JOHN QUINCY ADAMS.

tinguished a part. No remedy short of this will meet the evil, nor can the remedy be applied too suddenly. The breach is widening every day. The unwillingness of the North to participate in slavery grows stronger every day. The love of the Union has suppressed as yet the free utterance of this feeling; but the restraints of prudence are continually giving way. Slavery will not much longer have the floor of the Senate to itself, or rule the House with an iron hand. Freedom will find tongues there. The open advocates of human rights, as yet a small, heroic band, will spring up as a host. Is it not the part of wisdom to put an end to these deadly feuds? Is the Union to become a name? Is its chief good, concord, to be given up in despair? And must not concord be despaired of as long as slavery shall enter into the discussions of Congress? The dissensions growing out of slavery throw a fearful uncertainty over the fortunes of this country. Let us end them at once by dissolving wholly the connection between slavery and our national concerns.

There is one consideration which should reconcile the South to such an arrangement. The Constitution, if not so modified, can render little service to slavery. In this country, no law, no constitution can prevail against the moral convictions of the people. These are stronger than parchments, statutes, or tribunals. There is a feeling in regard to slavery, spreading rapidly, which cannot be withstood. It is not a fanaticism, a fever, but a calm moral, religious persuasion; and whatever in our institutions opposes this, will be a dead letter. No violence is needed to annul a law which the moral feelings of a free community condemn. The simple abstinence of the

people from action in favor of an unrighteous law, and the displeasure with which they visit such as are officious in its support, will avail more than armies. The South, then, in admitting such changes of the Constitution as are proposed, will make no great sacrifice. Slavery must at any rate cease to look northward for aid. Let it then consent to retire within its own bounds. Let it not mix itself with our national affairs. Let the word slavery no longer be named within the walls of Congress. Such is the good now to be sought. The North should be stirred up to demand it with one voice. Petitions, memorials, directed to this end, should be poured in upon Congress as a flood. The Free States should employ political action in regard to slavery for one purpose alone, and that is, to prevent all future political action on the subject; to sever it wholly from the government; to save the country from its disturbing influence.

Such seems to me to be the urgent duty of the Free States. But it is not their whole duty. They are not to think of themselves only in the changes which are to be made. The South has claims as well as ourselves. Whilst we say we cannot give aid in holding the slaves in bondage, we are bound to pledge ourselves to abstain from all action on the slaves to set them free. We must not use the Union as a means of access to that part of the Southern population. We must regard them as belonging to foreign states, and must interfere with them no more than with the serfs of Russia or the bondmen of Turkey. On this point we should consent to enter into strict terms with the South. The best human feelings have tendencies to excess. The hostility to slavery at the North may pass its due bounds, and adopt modes



of action which the South has a right to repel ; and from these we should bind ourselves to abstain. For example : we have heard of men who have entered the Southern States to incite and aid the slave to take flight. We have also seen a convention at the North of highly respected men preparing and publishing an address to the slaves, in which they are exhorted to fly from bondage, and to feel no scruple in seizing and using horse or boat which may facilitate their escape. All such interference with the slave is wrong, and should cease. It gives some countenance to the predictions of cautious men as to the issues of the anti-slavery movement. It is a sign that the enemies of slavery are losing their patience, calmness and self-controlling wisdom ; that they cannot wait for the blessing of Providence on holy efforts ; that the grandeur of the end is in danger of blinding them as to the character of the means.

We are bound to abstain from all such action on the slaves, not because the master has a rightful property in them, but on the plain ground that a Slave-holding State is a body politic, a civil community, the peace and order of which must not be invaded by the members of a foreign State. It is plain, that if the action of a foreign community on the slave begin and be allowed, no limits to it can be prescribed, and insurrection and massacre are its almost necessary effects. I certainly wish the slave to flee, if he can do it without bloodshed and violence, and can find a shelter for his rights, without exposing his character to overwhelming temptation. But were the Free States to incite the whole mass of slaves to fly ; were one united, thrilling, exasperating cry from the North to ring through the South, and to possess the



millions who are in bondage with the passion for escape ; would not society be convulsed to its centre ? and who of us could avert the terrible crimes which would be perpetrated in the name of liberty ? No. Earnestly as I oppose slavery, I deprecate all interference with the slave within the jurisdiction of the Slave-holding States. I will plead his cause with whatever strength God has given me. But I can do no more. God forbid that I should work out his deliverance by force and blood.

These remarks are the more important, because there seem to be growing up among us looser ideas than formerly prevailed on the subject of inciting the slaves to vindicate their rights. The common language leads to error. We are told, and told truly, that the slave-holder has no property in the man whom he oppresses ; that the slave has a right to immediate freedom ; and the inference, which some make, is, that the slave is authorized to use, without regard to consequences, the means of emancipation. The next inference is, that he is to be urged and aided to break his chain. But these views are too sweeping, and need important modifications.

The slave has a right to liberty ; but a right does not imply that it may be asserted by any and every means. There is a great law of humanity to which all are subject, the bond as well as the free, and which we must never lose sight of in redressing wrongs, or in claiming and insisting on our due. The slave cannot innocently adopt any and every expedient for vindicating his liberty. He is bound to waive his right, if in maintaining it he is to violate the law of humanity, and to spread general ruin. Were I confined unjustly to a house, I should have no right to free myself by setting it on fire, if there-

by a family should be destroyed. An impressed seaman cannot innocently withhold his service in a storm, and would be bound to work even in ordinary weather, if this were needed to save the ship from foundering. We owe a debt of humanity even to him who wrongs us, and especially to those who are linked with him, and who must suffer, perhaps perish with him, if we seek to redress our wrong.

The slave is not property. He owes nothing as a slave to his master. On the contrary, the debt is on his master's side. But though owing nothing as a slave, he owes much as a man. He must not, for the sake of his own liberty, involve a household in destruction. He must not combine with fellow slaves, and expose a community of men, women, children, to brutal outrage and massacre. When the chain can only be broken by inhumanity, he has no right to break it. A higher duty than that of asserting personal rights is laid on him. He is bound by divine authority, by the Christian law, by enlightened conscience, to submit to his hard fate.

The slave's right to liberty then is a qualified one ; qualified not in the slightest degree by any right of property in his master, but solely by the great law of humanity. He is a man under all the obligations of a member of the human family, and, therefore, bound at all times to unite a regard for others with a regard to himself. His master, indeed, denies his humanity, and treats him as a brute ; and were he what his master deems him, he might innocently at any moment cut the throats of his master and master's wife and child. But his human nature, though trampled on, endures, and lays on him obligation to refrain from cruelty. From these views we

learn that the right of the slave to free himself is not to be urged on him without reserve.

In these remarks I do not mean to say, that I should blame the slave for rising at any moment against his master. In so doing, he would incur no guilt ; for in his ignorance he cannot comprehend why he should forbear. He would vindicate an undoubted right. His rude conscience would acquit him, and far be it from me to condemn. But we, who are more enlightened, who know the consequences of revolt, should beware of rousing that wild mass of degraded men to the assertion of their rights. Such consequences humanity commands us to respect. Were it not for these, I would summon that mass as loudly as any to escape. Could I by my words so awaken and guide the millions of slaves, that without violence and bloodshed they could reach safely a land of freedom and order, I would shout in thunder-tones, Fly, Fly ! But it is not given us thus to act in human affairs. It is not given us to enter and revolutionize a state, to subvert old institutions and plant new, without carrying with us strife, tumult, bloodshed, horrible crimes. The law of humanity then restrains us from this direct agency on other states. It restrains us from abandoning ourselves to our zeal for the oppressed. It restrains us from kindling the passions of the slave. It commands us to teach him patience and love.

May I here be allowed a moment's digression, which, indeed, has important connections with the whole subject ? The principle now laid down helps us to comprehend the language of the New Testament on the subject of slavery. The slave is again and again commanded by the apostle to obey, and forbidden to purloin, or to an-

swer rudely ; and from such passages it has been argued, that Christianity sanctions slavery. But the great question is, on what grounds, for what reasons, do the scriptures enjoin obedience on the slave ? Do they do so, on the ground of any right of property in the master ? This is the single question. Not an intimation to this effect is found in the scriptures. They teach the slave to obey, not because he is a chattel, not because he is bound by human laws of property, but because he is bound by the Christian law of humanity and love ; because he is bound every where to manifest a spirit of mildness and charity, and in this way to express the divine, elevating influences of his new religion.

At the introduction of Christianity, slavery was an unutterable abomination, more horrible than what exists now. Good and great men, refined women, were then liable to be reduced to bondage. On the conquest of a country, not only were prisoners of war sold as slaves without regard to rank or character, but, as in the case of Judea, the mass of the peaceful population were doomed to the yoke. To suppose that the apostles of Christ intended to sanction this infernal system, is an insult to those generous men, and a blasphemy against our pure and merciful faith. But slavery was then so involved into the institutions of society, the dangers and horrors of a servile war were so great, the consequences of a proclamation of universal liberty would have been so terrible, the perils to the cause of Christianity, had it been so taught, would have been so imminent, and the motives for manifesting Christianity at its birth, as a spirit of unbounded meekness and love, were so urgent, that the apostles inculcated on the slaves an obedience free from

every taint of dishonesty, wrath or revenge. Their great motive, as they stated it, was, that Christianity might not be spoken against, that it might be seen breathing love and uprightness into men whose circumstances were peculiarly fitted to goad them to anger and revenge.

To suppose that the apostles recognized the right of the master, because they taught mildness and patience to the slave, is to show a strange ignorance of the New Testament. Our religion, in its hostility to a spirit of retaliation, violence and revenge, enforces submission and patience as strongly on the free as on the slave. It says to us : " If a man smite thee on the right cheek, turn to him the other also. If he take thy coat, let him have thy cloak also. And whosoever shall compel thee to go a mile, go with him twain." Is this a recognition of our neighbor's right to smite us, to take our coat, and compel us to go a mile for his convenience ?

Christianity has extended the law of humanity to a degree never dreamed of in earlier times, and but faintly comprehended now. It requires us all to love and serve our enemies, and to submit to unjust government, in language so strong and unqualified as to furnish an objection to its opposers ; and in all these requisitions it has but one end, which is to inspire the sufferer with forbearance and humanity, not to assert a right in the wrong-doer.

When I consider the tenderness which Christianity enjoins towards the injurious, I cannot but shrink from the lightness with which some speak of insurrection at the South. Were I to visit the slave, I should in every way discourage the spirit of violence and revenge. I should say : " Resist not evil : obey your master : forgive your enemies : put off wrath and hatred : put on meek-

ness and love : do not lie or steal : govern your passions : be kind to one another : by your example and counsels lift up the degraded around you : be true to your wives, and loving to your children. And do not deem your lot in every view the worst on earth : the time is coming when it will be found better to have been a slave than a master ; better to have borne the yoke than to have laid it on another. God regards you with mercy ; He offers you his best blessings : ‘He resisteth the proud, but giveth grace to the humble.’ ”

From all these views I am bound to discourage all action on the slaves on the part of those who reside in other states. When the individual slave flees to us, let us rejoice in his safe and innocent flight. But with the millions of slaves in the land of bondage we cannot intermeddle, without incurring imminent peril. The evil is too vast, rooted, complicated, terrible, for strangers to deal with, except by that moral influence which we are authorized and bound to oppose, firmly and fearlessly, to all oppression. We may and ought to mourn over the chain which weighs down millions of our brethren, and to rouse the sympathies and convictions of the world in aid of their violated rights. Our moral power we must not cease to oppose to the master’s claim ; but the Free States must not touch this evil by legislation or physical power, or by any direct agency on the servile population. God has marked out our sphere of duty, and no passionate sense of injustice, no burning desire to redress wrong, must carry us beyond it. Having fully done the work given us to do, we must leave the evil to the control of Him who has infinite means of controlling it, whose Almighty justice can shiver the chain of adamant, as a wreath of mist is scattered by the whirlwind.



I have thus set forth what seem to me the chief duties of the Free States in regard to slavery. First, they must insist on such constructions of the Constitution, as will save our own citizens from the grasp of this institution, as will prevent the extension of the powers of the government for its support beyond our own shores, and as will bring to an end slavery and the slave-trade in the District of Columbia ; and secondly, we must insist on such modifications of the Constitution, as will exempt us from every obligation to sustain and strengthen slavery, whilst at the same time we give every pledge, not to use our relation to the slave-holder, as a means of acting on the slave. These are solemn duties, not to the slaves only or chiefly, but to ourselves also. They involve our peace at home and abroad. They touch alike our rights and interests. On our performance of these depend the perpetuity of the Union and our rank among nations. Slavery, if it shall continue to be a national concern, and to insinuate itself into our domestic policy, will prove more and more a firebrand, a torch of the Furies. The agitation which it has produced is but the beginning of evils. Nothing but the separation of it from our federal system can give us peace.

The immediate purpose of these remarks has been answered. But the topic of the Duties of the Free States in relation to slavery, has started various thoughts, and brought to view other duties, more or less connected with my primary object ; and, as I have no desire to communicate again my thoughts on public affairs, I shall be glad to use this opportunity of disburdening my mind. My thoughts will arrange themselves under three heads, which, however imperfectly treated, deserve serious attention.

In the first place, the Free States are especially called to uphold the great Ideas or Principles which distinguish our country, and on which our Constitution rests. This may be said to be our highest political duty. Every country is characterized by certain great Ideas, which pervade the people and the government, and by these chiefly its rank is determined. When one idea predominates strongly above all others, it is a key to a nation's history. The great idea of Rome, that which the child drank in with his mother's milk, was Dominion. The great idea of France is Glory. In despotisms, the idea of the King or the Church possesses itself of the minds of the people, and a superstitious loyalty or piety becomes the badge of the inhabitants. The most interesting view of this country is the grandeur of the idea which has determined its history, and which is expressed in all its institutions. Take away this, and we have nothing to distinguish us. In the refined arts, in manners, in works of genius, we are as yet surpassed. From our youth and insulated position, our history has no dazzling brilliancy. But one distinction belongs to us. A great Idea from the beginning has been working in the minds of this people, and it broke forth with peculiar energy in our Revolution. This is the idea of Human Rights. In our Revolution, liberty was our watchword; but not a lawless liberty, not freedom from all restraint, but a moral freedom. Liberty was always regarded as each man's Right, imposing on every other man a moral obligation to abstain from doing it violence. Liberty and law were always united in our minds. By government, we understood the concentration of the power of the whole community to protect the Rights of each and all its members.



This was the grand idea on which all our institutions were built. We believed, that the rights of the people were safest, and alone safe, in their own keeping, and therefore we adopted popular forms. We looked, indeed, to government for the promotion of the public welfare, as well as for the defence of rights. But we felt that the former was included in the latter ; that, in securing to every man the largest liberty, the right to exercise and improve all his powers, to elevate himself and his condition, and to govern himself, subject only to the limitation which the equal freedom of others imposes, we were providing most effectually for the common good. It was felt, that, under this moral freedom men's powers would expand, and would secure to them immeasurably greater good, than could be conferred by a government intermeddling perpetually with the subject, and imposing minute restraints.

These views of human rights, which pervade and light up our history, may be expressed in one word. They are summed up in respect for the Individual Man. In all other countries, the man has been obscured, overpowered by rulers, merged in the state, made a means or tool. Here, every man has been recognized as having rights on which no one can trench without crime. The nation has recognized something greater than the nation's prosperity, than outward, material interests : and that is, Individual Right. In our Revolution a dignity was seen in human nature, a generous confidence was placed in men. It was believed, that they would attain to greater nobleness by being left to govern themselves ; that they would attain to greater piety by being left to worship God according to their own convictions ; that

they would attain to greater energy of intellect, and to higher truths, by being left to freedom of thought and utterance, than by the wisest forms of arbitrary rule. It was believed, that a universal expansion of the higher faculties was to be secured by increasing men's responsibilities, by giving them higher interests to watch over, by throwing them very much on themselves. Such is the grand idea which lies at the root of our institutions; such the fundamental doctrines of the political creed into which we have all been baptized.

It is to the Free States that the guardianship of this true faith peculiarly belongs. Their institutions are most in harmony with it; and they need to be reminded of this duty, because, under the happiest circumstances, the idea of Human Rights is easily obscured; because there is always a tendency to exalt worldly, material interests above it. The recent history of the country shows the worship of wealth taking the place of reverence for liberty and universal justice. The Free States are called to watch against this peril, to regard government, not as a machine for creating wealth, for subserving individual cupidity, for furnishing facilities of boundless speculation, but as a moral institution, designed to secure Universal Right, to protect every man in the liberties and immunities through which he is to work out his highest good.

It must not, however, be imagined, that the great idea of our country is to be wrought out or realized by government alone. This is, indeed, an important instrument, but it does not cover the whole field of human rights. The most precious of these it can hardly touch. Government is, after all, a coarse machine, very narrow in its operations, doing little for human advancement in

comparison with other influences. A man has other rights than those of property and person, which the government takes under its protection. He has a right to be regarded and treated as a man, as a being who has excellent powers and a high destiny. He has a right to sympathy and deference, a right to be helped in the improvement of his nature, a right to share in the intelligence of the community, a right to the means not only of bodily but of spiritual well-being. These rights a government can do little to protect or aid. Yet on these, human progress chiefly rests. To bring these into clear light, to incorporate a reverential feeling for these, not only into government, but into manners and social life; this is the grand work to which our country is called.

In this country, the passion for wealth is a mighty force, acting in hostility to the great Idea which rules in our institutions. Property continually tends to become a more vivid idea than right. In the struggle for private accumulation, the worth of every human being is overlooked. The importance of every man's progress is forgotten. We must contend for this great idea. They who hold it must spread it around them. The truth must be sounded in the ears of men, that the grand end of society is to place within reach of all its members the means of improvement, of elevation, of the true happiness of man. There is a higher duty than to build almshouses for the poor, and that is, to save men from being degraded to the blighting influence of an almshouse. Man has a right to something more than bread to keep him from starving. He has a right to the aids and encouragements and culture, by which he may fulfil the desti-

ny of a man ; and until society is brought to recognize and reverence this, it will continue to groan under its present miseries.

Let me repeat, that government alone cannot realize the great Idea of this country ; that is, cannot secure to every man all his rights. Legislation has its limits. It is a power to be wielded against a few evils only. It acts by physical force, and all the higher improvements of human beings come from truth and love. Government does little more than place society in a condition, which favors the action of higher powers than its own. A great Idea may be stamped on the government, and be contradicted in common life. It is very possible under popular forms, that a spirit of exclusiveness and of contempt for the multitude, that impassable social barriers, and the degradation of large masses, may continue as truly as under aristocratic forms. The spirit of society, not an outward institution, is the mighty power by which the hard lot of man is to be meliorated. The great Idea that every human being has a right to the means of exercising and improving his highest powers, must pass from a cold speculation into a living conviction, and then society will begin in earnest to accomplish its end. This great Idea exists as yet only as a germ, in the most advanced communities, and is working faintly. But it cannot die. We hear, indeed, much desponding language about society. The cant of the day is the cant of indifference or despair. But let it not discourage us. It is, indeed, possible that this country may sink beneath the work imposed on it by Providence, and instead of bringing the world into its debt, may throw new darkness over human hope. But great ideas, once brought to

light, do not die. The multitude of men through the civilized world are catching some glimpses, however indistinct, of a higher lot ; are waking up to something higher than animal good. There is springing up an aspiration among them, which, however dreaded as a dangerous restlessness, is the natural working of the human spirit, whenever it emerges from gross ignorance, and seizes on some vague idea of its rights. Thank God, it is natural for man to aspire ; and this aspiration ceases to be dangerous, just in proportion as the intelligent members of society interpret it aright, and respond to it, and give themselves to the work of raising their brethren. If, through self-indulgence or pride, they decline this work, the aspiration will not cease ; but growing up under resistance or contempt, it may become a spirit of hostility, conflict, revenge.

The fate of this country depends on nothing so much as on the growth or decline of the great Idea which lies at the foundation of all our institutions : the idea of the sacredness of every man's right, of the respect due to every human being. This exists among us. It has stamped itself on government. It is now to stamp itself on manners and common life ; a far harder work. It will then create a society such as men have not anticipated, but which is not to be despaired of, if Christianity be divine, or if the highest aspirations of the soul be true. It is only in the Free States that the great Idea of which I have spoken can be followed out. It is denied openly, flagrantly, where slavery exists. To be true to it, is our first political, social duty.

I proceed to another important topic, and that is, the

duty of the Free States in relation to the Union. They and the Slave-holding States constitute one people. Is this tie to continue, or to be dissolved? It cannot be disguised that this subject is growing into importance. The South has talked recklessly about disunion. The more quiet North has said little, but thought more; and there are now not a few, who speak of the Union as doomed to dissolution, whilst a few seem disposed to hasten the evil day. Some approach the subject not as politicians, but as religious men, bound first to inquire into the moral fitness of political arrangements; and they have come to the conclusion, that a union with states sustaining slavery is unjust, and ought to be renounced, at whatever cost. That the Union is in danger, is not to be admitted. Its strength would be made manifest by the attempt to dissolve it. But any thing which menaces it deserves attention. So great a good should be exposed to no hazard which can be shunned.

The Union is an inestimable good. It is to be prized for its own sake, to be prized not merely or chiefly for its commercial benefits, or any pecuniary advantages, but simply as Union, simply as a pacific relation between communities, which without this tie would be exposed to ruinous collisions. To secure this boon we should willingly make great sacrifices. So full of crime and misery are hostile relations between neighboring rival states, that a degree of misgovernment should be preferred to the danger of conflict. Disunion would not only embroil us with one another, but with foreign nations; for these States, once divided, would connect themselves with foreign powers, which would profit by our jealousies, and involve our whole policy in inextricable confusion.

There are some among us who are unwilling to be connected with states sustaining so great a wrong as slavery. But if the North can be exempted from obligation to sustain it, we ought not to make its existence at the South a ground of separation. The doctrine, that intimate political connection is not to be maintained with men practising a great wrong, would lead to the dissolution of all government, and of civil society. Every nation, great or small, contains multitudes who practise wrongs, nor is it possible to exclude such from political power. Injustice, if not the ruling element in human affairs, has yet a fearful influence. In popular governments, the ambitious and intriguing often bear sway. Men, who are ready to sacrifice quiet and domestic comforts and all other interests to political place and promotion, will snatch the prize from uncompromising, modest virtue. In our present low civilization, a community has no pledge of being governed by its virtue. In free governments, parties are the means of power, and a country can fall under few more immoral influences than party spirit. Without a deep moral revolution in society, we must continue to be ruled very imperfectly. In truth, among the darkest mysteries of Providence, are the crimes and woes flowing from the organization of men into states, from our subjection to human rule. The very vices of men, which make government needful, unfit them to govern. Government is only to be endured on account of the greater evils of anarchy which it prevents. It is no sufficient reason, then, for breaking from the Slave-holding States, that they practice a great wrong.

Besides, are not the purposes of Providence often accomplished by the association of the good with the



comparatively bad? Is the evil man, or the evil community to be excluded from brotherly feeling, to be treated as an outcast by the more innocent? Would not this argue a want of faith and love, rather than a just abhorrence of wrong? Undoubtedly the good are to free themselves from participation in crime; but they are not therefore to sever human ties, or renounce the means of moral influence.

With whom can we associate, if we will have no fellowship with wrong-doing? Can a new confederacy be formed, which will exclude selfishness, jealousy, intrigue? Do not all confederacies provoke among their members keen competitions for power, and induce unjust means of securing it? On the whole, has not our present Union been singularly free from the collisions which naturally spring from such close political connection? Would a smaller number of states be more likely to agree? Do we not owe to the extent of the Union the singular fact, that no state has inspired jealousy by disproportionate influence or power?

The South, indeed, is wedded to an unjust institution. But the South is not, therefore, another name for injustice. Slave-holding is not the only relation of its inhabitants. They are bound together by the various and most interesting ties of life. They are parents and children, husbands and wives, friends, neighbors, members of the State, members of the Christian body; and in all these relations there may be found models of purity and virtue. How many among ourselves, who must at any rate form part of a political body, and fill the highest places in the State, fall short of multitudes at the South, in moral and religious principle!

Form what confederacy we may, it will often pledge



us to the wrong side. Its powers will often be perverted. The majority will be seduced again and again into crime ; and incorruptible men, politically weak, will be compelled to content themselves with what will seem wasted remonstrance. No Paradise opens itself, if we leave our Union with the corrupt South. A corrupt North will be leagued together, to act out the evil, as well as the good, which is at work in its members. A mournful amount of moral evil is to be found through this part of the country. The spirit of commerce, which is the spirit of the North, has lately revealed the tendencies to guilt which it involves. We are taught, that, however covered up with the name of honor, however restrained by considerations of reputation and policy, trade may undermine integrity, to an extent which shakes the confidence of the unthinking in all human virtue.

The fiery passions which have broken out at the South, since the agitation of the slavery question, have alienated many among us from that part of the country. But these prove no singular perverseness or corruption. What else could have been expected? Was it to be imagined that a proud, fiery people, could hear patiently one of their oldest and most rooted institutions set down among the greatest wrongs and oppressions? that men, holding the highest rank, would consent to bear the reproach of trampling right and humanity in the dust? Do men at the North, good or bad, abandon without a struggle advantages confirmed to them by long prescription? Do they easily relinquish gainful vocations, on which the moral sentiment of the community begins to frown? Is it easy to bring down the exalted from the chief seats in society? to overcome the pride of caste? to disarm the

prejudices of a sect? Is human nature among ourselves easily dispossessed of early prepossessions, and open to rebuke? That the South should react with violence against anti-slavery doctrines was the most natural thing in the world; and the very persons, whose consciences were the most reconciled to the evil, who least suspected wrong in the institution, were likely to feel themselves most aggrieved. The exasperated jealousies of the South in regard to the North, are such as spring up universally towards communities of different habits, principles and feelings, which have got the start of their neighbors, and take the liberty to reprove them. Allow the South to be passionate. Passion is not the worst vice on the earth, nor are a fiery people the greatest offenders. Such evils are not the most enduring. Conflagrations in communities, as in the forest, die out sooner or later.

Perhaps we have not felt enough, how tender are the points which the anti-slavery movement has touched at the South. The slave is property, and to how many men every where is property dearer than life? Nor is this all. The slave is not only the object of cupidity, but of a stronger passion, the passion for power. The slave-holder is not only an owner, but a master. He rules, he wields an absolute sceptre; and when have men yielded empire without conflict? Would the North make such a sacrifice more cheerfully than the South?

To judge justly of the violence of the South, another consideration must not be overlooked. It must be acknowledged, that abundant fuel has been ministered to the passions of the slave-holder, by the vehemence with which his domestic institutions were assailed at the North. No deference was paid to his sensitiveness, his

dignity. The newly awakened sympathy with the slave not only denied the rights, but set at nought all the feelings of the master. That a gentle or more courteous approach would have softened him, is not said ; but that the whole truth might have been spoken in tones less offensive, cannot be questioned ; so that we, who have opposed slavery, are responsible in part for the violence which has offended us.

No, the spirit of the South furnishes no argument for dissolving the Union. That states less prosperous than ourselves should be jealous of movements directed from this quarter against their institutions, is not strange. We must imagine ourselves in the position of the South, to judge of the severity of the trial. We must not forget that to the multitude there, slavery seems if not right in itself, yet an irremediable evil. They look at it in the light of habit, and of opinions which prevailed in times of darkness and despotism. With such prepossessions, how could they but repel the zeal of Northern reformers ?

It seems to be thought by some that the diversities of character between the South and North unfit them for political union. That diversities exist, it is true ; but they are such as by mutual action and modification may ultimately form a greater people. It is by the fusion of various attributes that rich and noble characters are formed. The different sections of our country need to be modified by one another's influence. The South is ardent ; the North calmer and more foreseeing. The South has quicker sympathies ; the North does more good. The South commits the individual more to his own arm of defence ; at the North the idea of law has greater sanctity. The South has a freer and more

graceful bearing, and a higher aptitude for genial social intercourse ; the North has its compensation in superior domestic virtues and enjoyments. The courage of the South is more impetuous ; of the North more stubborn. The South has more of the self-glorifying spirit of the French ; the North, like England, is at once too proud and too diffident to boast. We of the North are a more awkward, shy, stiff and steady race, with a liberal intermixture of enthusiasm, enterprise, reflection, and quiet heroism ; while the South is franker, bolder, more fervent, more brilliant, and of course more attractive to strangers, and more fitted for social influence.

Such comparisons must, indeed, be made with large allowances. The exceptions to the common character are numerous at the North and the South, and the shades of distinction are growing fainter. But climate, that mysterious agent on the spirit, will never suffer these diversities wholly to disappear ; nor is it best that they should be lost. A nation with these different elements will have a richer history, and is more likely to adopt a wise and liberal policy, that will do justice to our whole nature. The diversities between the two sections of the community are inducements rather than objections to union ; for narrow and homogeneous communities are apt to injure and degrade themselves by stubborn prejudices and by a short-sighted selfish concern for their special interests ; and it is well for them to form connections, which will help or force them to look far and wide, to make compromises and sacrifices, and to seek a larger good.

We have a strong argument for continued union in the almost insuperable difficulties which would follow its dis-

solution. To the young and inexperienced, the formation of new confederacies and new governments passes for an easy task. It seems to be thought, that a political union may be got up as easily as a marriage. But love is the magician, which levels all the mountains of difficulty in the latter case ; and no love, too often nothing but selfishness, acts in the former.

Let the Union be dissolved, and new federal governments must be framed ; and we have little reason to anticipate better than we now enjoy. Not that our present Constitution is what it is sometimes called, the perfection of political skill. It is the first experiment of a purely representative system ; and first experiments are almost necessarily imperfect. Future ages may smile at our blameless model of government. A more skilful machinery, more effectual checks, wiser distributions and modifications of power, are probably to be taught the world by our experience. But our experience has as yet been too short to bring us this wisdom, whilst the circumstances of the present moment are any thing but propitious to an improvement on the work of our fathers.

The work of framing a government, even in favorable circumstances, is one of the most arduous committed to man. The construction of the simplest form of polity, or of institutions for a single community in rude stages of society, demands rare wisdom ; and accordingly the renown of legislators transcends all other fame in history. But to construct a government for a confederacy of States, of nations, in a highly complex and artificial state of society, is an Herculean task. The Federal Constitution was a higher achievement than the assertion of our independence in the field of battle. If we can point to

any portion of our history as indicating a special divine Providence, it was the consent of so many communities to a frame of government, combining such provisions for human rights and happiness as we now enjoy.

Break up this Union, reduce these States, now doubled in number, to a fragmentary form, and who can hope to live long enough to see an harmonious re-construction of them into new confederacies? We know how the present Constitution was obstructed by the jealousies and passions of states and individuals. But if these were so formidable at the end of a struggle against a common foe, which had knit all hearts, what is not to be dreaded from the distrusts which must follow the conflicts and exasperations of the last fifty years, and the agony of separation? It is no reproach on the people to say, that nearly fifty years of peace and trade and ambition and prosperity have not nourished as ardent a patriotism as the revolutionary struggle; for this is a necessary result of the principles of human nature. We should come to our work more selfishly than our fathers approached theirs. Our interests too are now more complicated, various, interfering, so that a compromise would be harder. We have lost much of the simplicity of a former time, and our public men are greater proficient in intrigue. Were there natural divisions of the country, which would determine at once the new arrangements of power, the difficulty would be less; but the new confederacies would be sufficiently arbitrary to open a wide field to selfish plotters. Who that knows the obstacles which passion, selfishness and corruption throw in the way of a settled government, will desire to encounter the chances and perils of constructing a new system under all these disadvantages?

There is another circumstance which renders it undesirable now to break up the present order of things. The minds of men every where are at this moment more than usually unsettled. There is much questioning of the past and the established, and a disposition to push principles to extremes, without regard to the modifications which other principles and a large experience demand. There is a blind confidence in the power of man's will and wisdom over society, an overweening faith in legislation, a disposition to look to outward arrangements for that melioration of human affairs which can come only from the culture and progress of the soul, a hope of making by machinery what is and must be a slow, silent growth. Such a time is not the best for constructing governments and new confederacies.

We are especially passing through a stage of political speculation, or opinion, which is, indeed, necessary under such institutions, and which may be expected to give place to higher wisdom, but which is not the most propitious for the formation of political institutions. I refer to false notions as to democracy, and as to its distinctive benefits ; notions which ought not to surprise us, because a people are slow to learn the true character and spirit of their institutions, and generally acquire this, as all other knowledge, by some painful experience. It is a common notion here, as elsewhere, that it is a grand privilege to govern, to exercise political power ; and that popular institutions have this special benefit, that they confer the honor and pleasure of sovereignty on the greatest number possible. The people are pleased at the thoughts of being rulers ; and hence all obstructions to their immediate, palpable ruling are regarded with jealousy. It is



a grand thing, they fancy, to have their share of kingship. Now this is wrong, a pernicious error. It is no privilege to govern, but a fearful responsibility, and seldom assumed without guilt. The great good to be sought and hoped from popular institutions is, to be freed from unnecessary rule, to be governed with no reference to the glory or gratification of the sovereign power. The grand good of popular institutions is Liberty, or the protection of every man's rights to the full, with the least possible restraint. Sovereignty, wherever lodged, is not a thing to be proud of, or to be stretched a hand's-breadth beyond need. If I am to be hedged in on every side, to be fretted by the perpetual presence of arbitrary will, to be denied the exercise of my powers, it matters nothing to me whether the chain is laid on me by one or many, by king or people. A despot is not more tolerable for his many heads.

Democracy, considered in itself, is the noblest form of government, and the only one to satisfy a man who respects himself and his fellow-creatures. But if its actual operation be regarded, we are compelled to say that it works very imperfectly. It is true of people, as it is of king and nobles, that they have no great capacity of government. They ought not to exult at the thought of being rulers, but to content themselves with swaying the sceptre within as narrow limits as the public safety may require. They should tremble at this function of government, should exercise it with self-distrust, and be humbled by the defects of their administration.

I am not impatient of law. One law I reverence; that divine eternal law written on the rational soul, and revealed with a celestial brightness in the word and life of

Jesus Christ. But human rulers, be they many or few, are apt to pay little heed to this law. They do not easily surrender to it their interests and ambition. It is dethroned in cabinets, and put to silence in halls of legislation. In the sphere of politics, even men, generally good, dispense unscrupulously with a pure morality, and of consequence we all have an interest in the limitation of political power.

Such views teach us, that one of the first lessons to be taught to a people in a democracy, is self-distrust. They should learn, that to rule is the most difficult work on earth ; that in all ages and countries men have sunk under the temptations and difficulties of the task ; that no power is so corrupting as public power, and that none should be used with greater fear.

By democracy we understand, that a people governs itself ; and the primary, fundamental act required of a people is, that it shall lay such restraints on its own powers, as will give the best security against their abuse. This is the highest purpose of a popular constitution. A constitution is not merely a machinery for ascertaining and expressing a people's will, but much more a provision for keeping that will within righteous bounds. It is the act of a people imposing limits on itself, setting guard on its own passions, and throwing obstructions in the way of legislation, so as to compel itself to pause, to deliberate, to hear all remonstrances, to weigh all rights and interests, before it acts. A constitution not framed on these principles, must fail of its end. Now at the present moment, these sound maxims have lost much of their authority. The people, flattered into blindness, have forgotten their passionateness, and proneness to

abuse power. The wholesome restraints laid by the present Constitution on popular impulse are losing their force, and we have reason to fear that new constitutions formed at the present moment would want, more than our present national charter, the checks and balances on which safety depends.

A wise man knows himself to be weak, and lays down rules of life which meet his peculiar temptation. So should a people do. A people is in danger from fickleness and passion. The great evil to be feared in a popular government is instability, or the sacrifice of great principles to momentary impulses. A constitution which does not apply checks and restraints to these perils cannot stand. Our present Constitution has many wise provisions of this character. The division of the legislature into two branches, and the forms which retard legislation, are of great value. But what constitutes the peculiar advantage of the distinction of legislative chambers, is, that the Senate has so different a character from the House of Representatives; that it represents states, not individuals; that it is chosen by legislatures, not by primary assemblies; and that the term of a senator's service is three times the length of that of the popular branch. The Senate is one of the chief conservative powers in the government. It has two grand functions. One to watch the rights of the several States, and the other, not less important, to resist the fluctuations of the popular branch. 'The Senate is a power raised for a time by the people above their own passions, that it may secure stability to the administration of affairs. Now this function of the Senate has been seriously impaired by the doctrine of "Instructions," a doctrine destroying

moral independence, and making the senator a passive recipient of momentary impulses which it may be his highest duty to withstand. This doctrine is in every view hurtful. A man in public life should as far as possible be placed under influences which give him dignity of mind, self-respect, and a deep feeling of responsibility. He should go to the nation's council with a mind open to all the light which is concentrated there, to study and promote the broad interests of the nation. He is not to work as a mere tool, to be an echo of the varying voices at a distance, but to do what seems to him right, and to answer to his constituents for his conduct, at the appointed hour for yielding up his trust. Yet were new institutions to be framed at this moment, would not the people forget the restraint which they should impose on themselves, and the respect due to their delegates ; and from attaching a foolish self-importance to the act of governing, would they not give to their momentary feelings more and more the conduct of public affairs ?

The Constitution contains another provision of wise self-distrust on the part of the people, in the power of the veto intrusted to the President. The President is the only representative of the people's unity. He is the head of the nation. He has nothing to do with districts or states, but to look with an equal eye on the whole country. To him is intrusted a limited negative on the two chambers, a negative not simply designed to guard his own power from encroachment, but to correct partial legislation, and to be a barrier against invasions of the Constitution by extensive combinations of interest or ambition. Every department should be a check on legislation ; but this salutary power there is a disposition to

wrest from the Executive, and it would hardly find a place in a new confederacy.

The grand restraining, conservative power of the State, remains to be mentioned; it is the Judiciary. This is worth more to the people than any other department. The impartial administration of a good code of laws is the grand result, the paramount good, to which all political arrangements should be subordinate. The reign of justice, which is the reign of rights and liberty, is the great boon we should ask from the State. The judicial is the highest function. The Chief Justice should rank before King or President. The pomp of a palace may be dispensed with; but every imposing solemnity, consistent with the simplicity of our manners, should be combined in the hall where the laws, which secure every man's rights, are administered. To accomplish the great end of government, nothing is so important as to secure the impartiality and moral independence of judges; and for this end they should be appointed for life, subject to removal only for violation of duty. This is essential. A judge should not hang on the smiles of king or people. In him the people should erect a power above their own temporary will. There ought to be in the State something to represent the majesty of that stable, everlasting law to which all alike should bow; some power above the sordid interests, and aloof from the struggles and intrigues, of ordinary public life. The dependence of the judge on the breath of party, or the fleeting passions of the people, is a deformity in the State, for which no other excellence in popular institutions can make compensation. The grandest spectacle in this country is the Judiciary power, raised by the people to

independence of parties and temporary majorities, taking as its first guide the national charter, the fundamental law, which no parties can touch, which stands like a rock amidst the fluctuations of opinion, and determining by this the validity of the laws enacted by transient legislatures. Here is the conservative element of the country. Yet it is seriously proposed to destroy the independence of the judiciary power, to make the judge a pensioner on party, by making the office elective for a limited time; and it is not impossible that this pernicious feature might be impressed on new institutions, which might spring up at the present time.

This language will not win me the name of Democrat. But I am not anxious to bear any name, into which Government enters as the great idea. I want as little government as consists with safety to the rights of all. I wish the people to govern no farther than they must. I wish them to place all checks on the legislature which consist with its efficiency. I honor the passion for power and rule as little in the people as in a king. It is a vicious principle, exist where it may. If by democracy be meant the exercise of sovereignty by the people under all those provisions and self-imposed restraints, which tend most to secure equal laws, and the rights of each and all, then I shall be proud to bear its name. But the unfettered multitude is not dearer to me than the unfettered king. And yet, at the present moment, there is a tendency to remove the restraints on which the wise and righteous exertion of the people's power depends.

The sum of what I have wished to say is, that the Union of these States should, if possible, be kept inviolate, on the ground of the immense difficulty of con-

structing new confederacies and new governments. The present state of men's minds is not favorable to this most arduous task. Other considerations might be urged against disunion. But in all this I do not mean, that union is to be held fast at whatever cost. Vast sacrifices should be made to it, but not the sacrifice of duty. For one I do not wish it to continue, if after earnest, faithful effort, the truth should be made clear, that the Free States are not to be absolved from giving support to slavery. Better that we should part, than be the police of the slaveholder, than fight his battles, than wage war to uphold an oppressive institution.

So I say, let the Union be dissevered rather than receive Texas into the confederacy. This measure, besides entailing on us evils of all sorts, would have for its chief end, to bring the whole country under the slave-power, to make the General Government the agent of slavery; and this we are bound to resist at all hazards. The Free States should declare that the very act of admitting Texas will be construed as a dissolution of the Union.

This act would be unconstitutional. The authors of the Constitution never dreamed of conferring a power on Congress to attach a foreign nation to the country, and so to destroy entirely the original balance of power. It is true, that the people acquiesced in the admission of Louisiana to the Union by treaty; but the necessity of the case reconciled them to that dangerous precedent. It was understood, that by fair means or foul, by negotiation or war, the Western States *would* and *must* possess themselves of the Mississippi and New Orleans. This was regarded as a matter of life or death; and, therefore,



the people allowed this great inroad to take place in the fundamental conditions of the Union, without the appeal which ought to have been made to the several State sovereignties. But no such necessity now exists, and a like action of Congress ought to be repelled as gross usurpation.

We are always in danger of excessive jealousy in judging of the motives of other parts of the country, and this remark may apply to the present case. The South, if true to its own interests, would see in Texas a rival rather than an ally ; but at the North it is suspected, that political motives outweigh the economical. It is suspected, that the desire of annexing Texas has been whetted by the disclosures of the last census as to the increase of population and wealth at the North. The South, it is said, means to balance the Free States by adding a new empire to the confederacy. But on this point our slaveholding brethren need not be anxious. Without Texas, the South will have very much its own way, and will continue to exert a disproportionate influence over public affairs. It has within itself elements of political power more efficient than ours. The South has abler politicians, and almost necessarily, because its most opulent class make politics the business of life. The North may send wiser statesmen to Congress, but not men to marshal and govern parties, not political leaders. The South surpasses us, not in true eloquence, which is little known any where, but in prompt, bold speech, a superiority due not only to greater ardor of feeling, but to a state of society encouraging the habit, and stimulating by constant action the faculty of free and strong utterance on political subjects ; and such eloquence is no mean power in popular bodies.

The South has a bolder and more unscrupulous character, for which the caution and prudence of the North are not a match. Once more, it has union, common feeling, a peculiar bond in slavery, to which the divided North can make no adequate opposition. At the North, politics occupy a second place in men's minds. Even in what we call seasons of public excitement, the people think more of private business than of public affairs. We think more of property than of political power ; and this, indeed, is the natural result of free institutions. Under these, political power is not suffered to accumulate in a few hands, but is distributed in minute portions ; and even when thus limited, it is not permitted to endure, but passes in quick rotation from man to man. Of consequence, it is an inferior good to property. Every wise man among us looks on property as a more sure and lasting possession to himself and his family, as conferring more ability to do good, to gratify generous and refined tastes, than the possession of political power. In the South, an unnatural state of things turns men's thoughts to political ascendancy ; but in the Free States men think little of it. Property is the good for which they toil perseveringly from morning to night. Even the political partisan among us has an eye to property, and seeks office as the best, perhaps only way of subsistence. In this state of things, the South has little to fear from the North. For one thing we may contend, that is, for a tariff, for protection to our monied interests ; but if we may be left to work and thrive, we shall not quarrel for power.

The little sensibility at the North to the present movements on the subject of Texas is the best commentary

on the spirit of the Free States. That the South should be suffered to think for a moment of adding a great country to the United States for the sake of strengthening slavery, demonstrates an absence of wise political jealousy at the North, to which no parallel can be found in human history.

The union of Texas to us must be an unmixed evil. We do not need it on a single account. We are already too large. The machine of government hardly creeps on under the weight of so many diverse interests, and such complex functions as burden it now. Our own natural increase is already too rapid. New states are springing up too fast ; for in these there must exist, from the nature of the case, an excess of adventurous, daring spirits, whose influence over the government cannot but be perilous for a time ; and it is madness to add to us a new nation to increase the wild impulses, the half civilized forces, which now mingle with our national legislation.

To unite with Texas, would be to identify ourselves with a mighty wrong ; for such was the seizure of that province by a horde of adventurers. It would be to insure the predominance of the slave-power, to make slavery a chief national interest, and to pledge us to the continually increasing prostitution of the national power to its support. It would be to begin a career of encroachment on Mexico, which would corrupt and dishonor us, would complicate and disturb the movements of government, would create a wasteful patronage, and enlarge our military establishments. It would be to plunge us into war, not only with Mexico, but with foreign powers, which will not quietly leave us to add the Gulf of Mex-

ico to our vast stretch of territory along the Atlantic coast.

To unite Texas to ourselves, would be to destroy our present unity as a people, to sow new seeds of jealousy. It would be to spread beyond bounds the space over which the national arm must be extended; to present new points of attack and new reasons for assault, and at the same time to impair the energy to resist them. Can the Free States consent to pour out their treasure and blood like water, in order to defend against Mexico and her European protectors the slave-trodden fields of distant Texas? Would the South be prompt to exhaust itself for the annexation to this country of the vast British possessions of the North? Is it ready to pledge itself to carry the "star-spangled banner" to the pole, in exchange for our readiness to carry slavery to Darien? There must be some fixed limits to our country. We at the North do not ask for Canada. We would not, I hope, accept it as a gift; for we could not rule it well. And is the country to spread itself in one direction alone? Are we willing to place ourselves under the rule of adventurers, whom a restless spirit or a dread of justice drives to Texas? What possible boon can we gain? The Free States are not only wanting in common wisdom, but in those instincts by which other communities shrink from connections that diminish their importance and neutralize their power. We shall deserve to be put under guardianship, if we receive Texas to our embrace. Such suicidal policy would place us among those whom "God infatuates before he destroys."

I have now spoken of the National Union, and of the danger to which it is exposed. The duty of the Free

States is to keep their attachment to it, unimpaired by local partialities, jealousies and dislikes, by supposed inequalities of benefits or burdens, or by the want of self-restraint manifested in the other part of the country. They cannot, however, but see and feel one immense deduction from its blessings. They are bound by it to give a degree of sanction and support to slavery, and are threatened with the annexation of another country to our own, for the purpose of strengthening this institution. Their duty is to insist on release from all obligations, and on security against all connections, which do or may require them to uphold a system which they condemn. No blessings of the Union can be a compensation for taking part in the enslaving of our fellow-creatures ; nor ought this bond to be perpetuated, if experience shall demonstrate, that it can only continue through our participation in wrong-doing. To this conviction the Free States are tending ; and in this view their present subserviency to the interests of slavery is more endurable.

I proceed, in the last place, to offer a few remarks on the duties of the Free States as to a subject of infinite importance, the subject of War. To add to the distresses of the country, a war-cry is raised ; and a person, unaccustomed to the recklessness with which the passions of the moment break out among us in conversation and the newspapers, would imagine that we were on the brink of a conflict with the most powerful nation on earth. That we are indeed to fight, cannot easily be believed. That two nations, of a common origin, having so many common interests, united by so many bonds, speaking one language, breathing the same free spirit, holding the

same faith, to whom war can bring no good, and on whom it must inflict terrible evils; that such nations should expose themselves and the civilized world to the chances, crimes and miseries of war, for the settlement of questions which may be adjusted honorably and speedily by arbitration; this implies such an absence of common sense, as well as of moral and religious principle, that, bad as the world is, one can hardly believe, without actual vision, that such a result can take place. Yet the history of the world, made up of war, teaches us that we may be too secure; and no excitement of war-like feeling should pass without a word of warning.

In speaking of our duties on this subject, I can use but one language, that of Christianity. I do believe that Christianity was meant to be a law for society, meant to act on nations; and however I may be smiled at for my ignorance of men and things, I can propose no standard of action to individuals or communities, but the law of Christ; the law of Eternal Rectitude; the law not only of this nation, but of all worlds.

The great duty of God's children is, to love one another. This duty on earth takes the name and form of the law of humanity. We are to recognize all men as brethren, no matter where born, or under what sky, or institution, or religion, they may live. Every man belongs to the race, and owes a duty to mankind. Every nation belongs to the family of nations, and is to desire the good of all. Nations are to love one another. It is true, that they usually adopt towards one another principles of undisguised selfishness, and glory in successful violence or fraud. But the great law of humanity is unrepealed. Men cannot vote this out of the universe by

acclamation. The Christian precepts, "Do to others as you would they should do to you: Love your neighbor as yourselves: Love your enemies;" apply to nations as well as individuals. A nation, renouncing them, is a Heathen, not a Christian nation. Men cannot, by combining themselves into narrower or larger societies, sever the sacred, blessed bond, which joins them to their kind. An evil nation, like an evil man, may indeed be withstood, but not in hatred and revenge. The law of humanity must reign over the assertion of all human rights. The vindictive, unforgiving spirit which prevails in the earth, must yield to the mild, impartial spirit of Jesus Christ.

I know that these principles will receive little hearty assent. Multitudes, who profess to believe in Christ, have no faith in the efficacy of his spirit, or in the accomplishment of that regenerating work which he came to accomplish. There is a worse skepticism than what passes under the name of infidelity, a skepticism as to the reality and the power of moral and Christian truth; and accordingly, a man, who calls on a nation to love the great family of which it is a part, to desire the weal and the progress of the race, to blend its own interests with the interests of all, to wish well to its foes, must pass for a visionary, perhaps in war would be called a traitor. The first teacher of Universal Love was nailed to the cross for withstanding the national spirit, hopes, and prejudices of Judea. His followers, in these better days, escape with silent derision or neglect.

It is a painful thought, that our relations to foreign countries are determined chiefly by men who are signally wanting in reverence for the law of Christ, the law of



humanity. Should we repair to the seat of government, and listen to the debates of Congress, we should learn that the ascendant influence belongs to men who have no comprehension of the mild and generous spirit of our religion; who exult in what they are pleased to call a quick sense of honor, which means a promptness to resent, and a spirit of vengeance. And shall Christians imbrue their hands in the blood of their brethren, at the bidding of such men?

At this moment, our chief exposure to war arises from sensibility to what is called the honor of the nation. A nation cannot, indeed, be too jealous of its honor. But unhappily, few communities know what this means. There is but one true honor for men or nations. This consists in impartial justice and generosity; in acting up fearlessly to a high standard of Right. The multitude of men place it chiefly in courage; and in this, as in all popular delusions, there is a glimpse of truth. Courage is an essential element of true honor. A nation or an individual without it, is nothing worth. Almost any thing is better than a craven spirit. Better be slaughtered, than be cowardly and tame. What is the teaching of Christianity, but that we must be ready at any moment to lay down life for truth, humanity and virtue? All the virtues are naturally brave. The just and disinterested man dreads nothing that man can do to him. But courage standing alone, animal courage, the courage of the robber, pirate, or duellist, this has no honor. This only proves, that bad passions are strong enough to conquer the passion of fear. Yet this low courage is that of which nations chiefly boast, and in which they make their honor to consist.

Were the spirit of justice and humanity to pervade this country, we could not be easily driven into war. England and Mexico, the countries with which we are in danger of being embroiled, have an interest in peace. The questions on which we are at issue, touch no vital point, no essential interest or right, which we may not put to hazard ; and consequently they are such as may and ought to be left to arbitration.

There has of late been a cry of war with Mexico ; and yet, if the facts are correctly stated in the papers, a more unjust war cannot be conceived. It seems that a band of Texans entered the territory of Mexico, during a state of war between the two countries. They entered it armed. They were met and conquered by a Mexican force ; and certain American citizens, found in the number, were seized and treated as prisoners of war. This is pronounced an injury which the nation is bound to resent. We are told that the band, in which the Americans were found, was engaged in a trading, not a military expedition. Such a statement is of course very suspicious ; but allow it to be true. Must not the entrance of an armed band from one belligerent country into the other, be regarded as a hostile invasion ? Must not a citizen of a neutral state, if found in this armed company, be considered as a party to the invasion ? Has he not, with eyes open, engaged in an exhibition which cannot but be regarded as an act of war. That our nation should demand the restoration of such a person as a right, which must not be denied without the hazard of a war, would seem to show that we have studied international law in a new edition, revised and corrected for our special benefit. It is the weakness of Mexico, which encour-

ages these freedoms on our part. Yet their weakness is a claim on compassion. We ought to look on that distracted country as an older brother on a wayward child, and should blush to make our strength a ground for aggression.

There is another ground, we are told, for war with Mexico. She has treated our citizens cruelly, as well as made them prisoners of war. She has condemned them to ignominious labor in the streets. This is not unlikely. Mexico sets up no pretension to signal humanity, nor has it been fostered by her history. Perhaps, however, she is only following, with some exaggerations, the example of Texas; for, after the great victory of San Jacinto, we were told that the Texans set their prisoners to work. At the worst, here is no cause for war. If an American choose to take part in the hostile movements of another nation, he must share the fate of its citizens. If Mexico indeed practises cruelties towards her prisoners, of whatever country, we are bound by the law of humanity to remonstrate against them; but we must not fight to reform her. The truth however is, that we can place no great reliance on what we hear of Mexican cruelty. The press of Texas and the South, in its anxiety to involve us in war with that country, does not speak under oath. In truth, no part of our country seems to think of Mexico as having the rights of a sovereign state. We hear the politician, in high places, exhorting us to take part in raising "the single Star of Texas" above the city of Montezuma, and to gorge ourselves with the plunder of her churches; and we see armed bands from the South hurrying in time of peace towards that devoted land, to realize these dreams of unprincipled cupidity.

That Mexico is more sinned against than sinning; that she is as just as her foes, one can hardly help believing.

We proceed to consider our difficulties with Great Britain, which are numerous enough to alarm us, but which are all of a character to admit arbitration. The first is the North-east boundary question. This, indeed, may be said to be settled in the minds of the people. As a people, we have no doubt that the letter of the treaty marks out the line on which we insist. The great majority also believe, that England insists on another, not from respect for the stipulations of the treaty, but because she needs it to secure a communication between her various provinces. The land then is legally ours, and ought not to be surrendered to any force. But in this, as in other cases, we are bound by the law of humanity to look beyond the letter of stipulations, to inquire not for legal but for moral right, and to act up to the principles of an enlarged justice and benevolence. The territory claimed by England is of great importance to her, of none comparatively to us; and we know, that, when the treaty was framed, no thought existed on either side of carrying the line so far to the North as to obstruct the free and safe communication between her provinces. The country was then unexplored. The precise effect of the stipulation could not be foreseen. It was intended to secure a boundary advantageous to both parties. Under these circumstances, the law of equity and humanity demands, that Great Britain be put in possession of the territory needed to connect her provinces together. Had nations risen at all to the idea of generosity in their mutual dealings, this country might be advised to present to England the land she needs. But prudence will

stop at the suggestion, that we ought to offer it to her on terms which impartial men may pronounce just. And in doing this, we should not merely consult equity and honor, but our best interest. It is the interest of a nation to establish, on all sides, boundaries which will be satisfactory alike to itself and its neighbors. This is almost essential to enduring peace. Wars have been waged without number, for the purpose of uniting the scattered provinces of a country, of giving it compactness, unity, and the means of communication. A nation prizing peace should remove the irritations growing out of unnatural boundaries ; and this we can do in the present case without a sacrifice.

According to these views, one of the most unwise measures ever adopted in this country, was the rejection of the award of the King of the Netherlands. A better award could not have been given. It ceded for us what a wise policy teaches us to surrender, gave us a natural boundary, and gave us compensation for the territory to be surrendered. If now some friendly power would by its mediation effectually recommend to the two countries this award as the true interest of both, it would render signal service to justice and humanity.

Still it is true that the territory that we claim is ours. The bargain made by England was a hard one ; but an honest man does not on this account shrink from his contract ; nor can England lay hands on what she unwisely surrendered, without breach of faith, without committing herself to an unrighteous war.

A way of compromise in a case like this is not difficult to honest and friendly nations. For example, let impartial and intelligent commissioners, agreed to by both

countries, repair to the disputed territory with the treaty in their hands, and with the surveys made by the two governments ; and let them go with full authority to determine the line which the treaty prescribes, to draw another line, if such shall seem to them required by principles of equity, or by the true interests of both countries, and to make ample compensation to the nation which shall relinquish part of its territory. It is believed that, generally speaking, men of distinguished honor, integrity and ability would execute a trust of this nature more wisely, impartially and speedily than a third government, and that the employment of such would facilitate the extension of arbitration to a greater variety of cases than can easily be comprehended under the present system. I have suggested one mode of compromise. Others and better may be devised, if the parties will approach the difficulty in a spirit of peace.

The case of the Caroline next presents itself. In this case our territory was undoubtedly violated by England. But the question arises, whether nothing justified or mitigated the violation. According to the law of nations, when a government is unable to restrain its subjects from continued acts of hostility towards a neighboring state, this state is authorized to take the defence of its rights into its own hands, and may enter the territory of the former power with such a force as may be required to secure itself against aggression. The question is, did such a state of things exist on the Canadian frontier? That we Americans, if placed in the condition of the English, would have done as they did, admits little doubt. This, indeed, is no justification of the act ; for both nations in this condition would act more from impulse than

reason. But it shows us, that the question is a complicated one ; such a question as even well-disposed nations cannot easily settle by negotiation, and which may and ought to be committed to an impartial umpire.

I will advert to one more difficulty between this country and England, which is intimately connected with the subject of this Tract. I refer to the question, whether England may visit our vessels to ascertain their nationality, in cases where the American flag is suspected of being used by foreigners for the prosecution of the slave trade. On this subject we have two duties to perform. One is, to protect our commerce against claims on the part of other nations, which may silently be extended, and may expose it to interference and hinderance, injurious alike to our honor and prosperity. The other, not less clear and urgent, is to afford effectual assistance to the great struggle of European nations for the suppression of the slave trade, and especially to prevent our flag from being made a cover for the nefarious traffic. These are two duties which we can and must reconcile. We must not say, that the slave trade is to be left to itself, and that we have no obligation to take part in its abolition. We cannot without shame and guilt stand neutral in this war. The slave trade is an enormous crime, a terrible outrage on humanity, an accumulation of unparalleled wrongs and woes, and the civilized world is waking up to bring it to an end. Every nation is bound by the law of humanity to give its sympathies, prayers, and coöperation to this work. Even had our commerce no connection with this matter, we should be bound to lend a helping hand to the cause of the human race. But the fact is, that the flag of our country, prostituted



by infamous foreigners, is a principal shelter to the slave trade. Vile men wrap themselves up in our garments, and in this guise go forth to the work of robbery and murder. Shall we suffer this? Shall the nations of the earth, when about to seize these outlaws, be forbidden to touch them, because they wear the American garb? It is said, indeed, that foreign powers, if allowed to visit our vessels for such a purpose, will lay hands on our own citizens, and invade our commercial rights. But vague suspicions of this kind do not annul a plain obligation. Uncertain consequences do not set aside what we know; and one thing we know, that the slave trade ought not to be left to live and grow under the American flag. We are bound some way or other to stay this evil. We ought to say to Europe: "We detest this trade as much as you. We will join heart and hand in its destruction. We will assent to the mutual visitation which you plead for, if arrangements can be made to secure it against abuse. We will make sacrifices for this end. We will shrink from no reasonable concession. Your efforts shall not be frustrated by the prostitution of our flag." If in good faith we follow up these words, it can hardly be doubted that a safe and honorable arrangement may be made with foreign powers.

Some of our politicians protest vehemently against the visitation of vessels bearing our flag, for the purpose of determining their right to assume it. They admit, that there are cases, such as suspicion of piracy, in which such visitation is authorized by the law of nations. But this right, they say, cannot be extended at pleasure, by the union of several nations in treaties or conventions, which can only be executed by visiting the vessels of

other powers. This is undoubtedly true. Nations, by union for private advantage, have no right to subject the ships of other powers to inconvenience, or to the possibility of molestation, in order to compass their purpose. But when several nations join together to extirpate a widely-extended and flagrant crime against the human race, to put down a public and most cruel wrong, they have a right to demand that their labors shall not be frustrated by the fraudulent assumption of the flags of foreign powers. Subjecting their own ships to visitation as a means of preventing this abuse of their flags, they are authorized to expect a like subjection from other states, on condition that they proffer every possible security against the abuse of the power. A state, in declining such visitation, virtually withdraws itself from the commonwealth of nations. Christian states may be said without any figure to form a commonwealth. They are bound together by a common faith, the first law of which is universal good will. They recognize mutual obligations. They are united by interchange of material and intellectual products. Through their common religion and literature, and their frequent intercourse, they have attained to many moral sympathies ; and when by these any portion of them are united in the execution of justice against open, fearful crime, they have a right to the good wishes of all other states ; and especially a right to be unobstructed by them in their efforts. In the present case, we have ourselves fixed the brand of piracy on the very crime, which certain powers of Europe have joined to suppress. Ought we not to consent, that vessels bearing our flag, but falling under just suspicion of assuming it for the perpetration of this piracy, should be

visited, according to stipulated forms, that their nationality may be judged? Have we any right, by denying this claim, to give to acknowledged, flagrant crime, an aid and facility, under which it cannot but prevail? There seems no reason for apprehension that, in assenting to visitation, we shall expose ourselves to great wrongs. From the nature of the case, strict and simple rules of judgment may be laid down, and the responsibility of the visiting officers may be made so serious as to give a moral certainty of caution. Undoubtedly injuries may chance to be inflicted, as is the case in the exercise of the clearest rights; but the chance is so small, whilst the effects of refusing visitation are so fatal and so sure, that our country, should it resist the claim, will take the attitude of hostility to the human race, and will deserve to be cut off from the fellowship of the Christian world.

It is customary, I know, to meet these remarks by saying that the crusade of England against this traffic is a mere show of philanthropy; that she is serving only her own ends; and that there is consequently no obligation to coöperate with her. This language might be expected from the South, where almost universal ignorance prevails in regard to the anti-slavery efforts of England; but it does little honor to the North, where the means of knowledge are possessed. That England is blending private views with the suppression of the slave trade is a thing to be expected; for states, like individuals, seldom act from unmixed motives. But when we see a nation for fifty years keeping in sight a great object of humanity; when we see this enterprise, beginning with the peaceful Quaker, adopted by Christians of other names, and thus spreading through and moving the whole popula-

tion ; when we see the reluctant government compelled by the swelling sensibility of the people to lend itself to the cause, and to forward it by liberal expenditure and vast efforts on sea and land ; can we help feeling that the moral sentiment of the nation is the basis and spring of this great and glorious effort ? On this subject I may speak from knowledge. In England, many years ago, I met the patriarchs of the anti-slavery cause. I was present at a meeting of the abolition committee, a body which has won an imperishable name in history. I saw men and women, eminent for virtue and genius, who had abstained from the products of slave-labor to compel the government to suppress the traffic in men. If ever Christian benevolence wrought a triumph, it was in that struggle ; -and the efforts of the nation from that day to this have been hallowed by the same generous feeling. Alas ! the triumphs of humanity are not so numerous that we can afford to part with this. History records but one example of a nation fighting the battle of the oppressed, with the sympathy, earnestness, and sacrifices of a generous individual ; and we will not give up our faith in this. And now is our country prepared to throw itself in the way of these holy efforts ? Shall our flag be stained with the infamy of defending the slave trade against the humanity of other countries ? Better that it should disappear from the ocean, than be so profaned.

It must not be said, that the slave trade cannot be annihilated. The prospect grows brighter. One of its chief marts, Cuba, is now closed. The ports of Brazil, we trust, will next be shut against it ; and these measures on land, aided by well-concerted operations at sea, will do much to free the world from this traffic. It must not

find its last shelter under the American flag. We must not talk of difficulties. Let the nation's heart be opened to the cry of humanity, to the voice of religion, and difficulties will vanish. In every good work for the freedom and melioration of the world, we ought to bear our part. We ought to be found in the front rank of the war against that hideous traffic, which we first branded as piracy. God save us from suffering our flag to be spread as a screen between the felon, the pirate, the kidnapper, the murderer, and the ministers of justice, of humanity, sent forth to cut short his crimes.

We have thus considered the most important of our difficulties with Mexico and England, which have been thought to threaten war. With a spirit of justice and peace, it seems impossible that we should be involved in hostilities. The duties of the Free States, and of all the states, are plain. We should cherish a spirit of humanity towards all countries. We should resist the false notions of honor, the false pride, the vindictive feelings, which are easily excited by supposed injuries from foreign powers, and are apt to spread like a pestilence from breast to breast, till they burst forth at length in a fierce, uncontrollable passion for war.

I have now finished my task. I have considered the Duties of the Free States in relation to slavery, and to other subjects of great and immediate concern. In this discussion I have constantly spoken of Duties as more important than Interests; but these in the end will be found to agree. The energy by which men prosper, is fortified by nothing so much, as by the lofty spirit which scorns to prosper through abandonment of duty.

I have been called by the subjects here discussed, to speak much of the evils of the times and the dangers of the country ; and in treating of these, a writer is almost necessarily betrayed into what may seem a tone of despondence. His anxiety to save his country from crime or calamity leads him to use unconsciously a language of alarm, which may excite the apprehension of inevitable misery. But I would not infuse such fears. I do not sympathize with the desponding tone of the day. It may be, that there are fearful woes in store for this people ; but there are many promises of good to give spring to hope and effort ; and it is not wise to open our eyes and ears to ill omens alone. It is to be lamented, that men, who boast of courage in other trials, should shrink so weakly from public difficulties and dangers, and should spend in unmanly reproaches or complaints the strength which they ought to give to their country's safety. But this ought not to surprise us in the present case ; for our lot, until of late, has been singularly prosperous, and great prosperity enfeebles men's spirits, and prepares them to despond when it shall have passed away. The country, we are told, is "ruined." What ! the country ruined, when the mass of the population have hardly retrenched a luxury ! We are indeed paying, and we ought to pay, the penalty of reckless extravagance, of wild and criminal speculation, of general abandonment to the passion for sudden and enormous gains. But how are we ruined ? Is the kind, nourishing earth about to become a cruel step-mother ? Or is the teeming soil of this magnificent country sinking beneath our feet ? Is the ocean dried up ? Are our cities and villages, our schools and churches, in ruins ? Are the stout muscles, which have conquered

sea and land, palsied? Are the earnings of past years dissipated, and the skill which gathered them forgotten? I open my eyes on this ruined country, and I see around me fields fresh with verdure, and behold on all sides the intelligent countenance, the sinewy limb, the kindly look, the free and manly bearing, which indicate any thing but a fallen people. Undoubtedly we have much cause to humble ourselves for the vices, which our recent prosperity warmed into being, or rather brought out from the depths of men's souls. But in the reprobation which these vices awaken, have we no proof that the fountain of moral life in the nation's heart is not exhausted? In the progress of temperance, of education, and of religious sensibility in our land, have we no proof, that there is among us an impulse towards improvement, which no temporary crime or calamity can overpower?

I shall be pointed undoubtedly to our political corruptions, to the inefficiency and party passions which dishonor our present Congress, and to the infamy brought on the country by breach of faith and gross dishonesty in other legislatures. In sight of this, an American must indeed "blush, and hang his head." Still it is true, and the truth should be told, that, in consequence of the long divorce between morality and politics, public men do not represent the character of the people; nor can we argue from profligacy in public affairs to a general want of private virtue. Besides, we all know, that it is through errors, sins and sufferings, that the individual makes progress; and so does a people. A nation cannot learn to govern itself in a day. New institutions, conferring great power on a people, open a door to many and great abuses, from which nothing but the slow and painful dis-



cipline of experience can bring deliverance. After all, there is a growing intelligence in this community; there is much domestic virtue; there is a deep working of christianity; there is going on a struggle of higher truths with narrow traditions, and of a wider benevolence with social evils; there is a spirit of freedom, a recognition of the equal rights of men; there are profound impulses received from our history, from the virtues of our fathers, and especially from our revolutionary conflict; and there is an indomitable energy, which, after rearing an empire in the wilderness, is fresh for new achievements. Such a people are not ruined, because Congress leaves the treasury bankrupt for weeks and months, and exposes itself to scorn by vulgar manners and ruffian abuse. In that very body, how many men may be found of honor, integrity and wisdom, who watch over their country with sorrow but not despair, and who meet an answer to their patriotism in the breasts of thousands of their countrymen.

There is one Duty of the Free States of which I have not spoken; it is the duty of Faith in the intellectual and moral energies of the country, in its high destiny, and in the good Providence which has guided it through so many trials and perils to its present greatness. We, indeed, suffer much and deserve to suffer more. Many dark pages are to be written in our history. But generous seed is still sown in this nation's mind. Noble impulses are working here. We are called to be witnesses to the world of a freer, more equal, more humane, more enlightened social existence than has yet been known. May God raise us to a more thorough comprehension of our work. May he give us faith in the good which we are summoned to achieve. May he

strengthen us to build up a prosperity, not tainted by slavery, selfishness, or any wrong, but pure, innocent, righteous, and overflowing, through a just and generous intercourse, on all the nations of the earth.

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## NOTE.

IN the first part of these Remarks, I said that the freedom of speech and of the press was fully enjoyed in this country. I overlooked the persecutions to which the abolitionists have been exposed for expressing their opinions. That I should have forgotten this is the more strange, because my sympathy with these much injured persons has been one motive to me for writing on slavery. The Free States, as far as they have violated the rights of the abolitionists, have ceased to be fully free. They have acted as the tools of slavery, and have warred against freedom in its noblest form. No matter what other liberties are conceded, if liberty of speech and the press be denied us. We are robbed of our most precious right, of that, without which all other rights are unprotected and insecure.















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